Aspen Fales Shoulder Widening Project

Mono County, California
District 9-395 (PM 88.42/91.55)
09-34940/09-1200-0033
SCH # 2016012040

Final Environmental Impact Report/ Environmental Assessment

Prepared by the
State of California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code 327.

May 2017

Caltrans

General Information About This Document

What's in this document:

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), has prepared this Final Environmental Impact Report/Environmental Assessment (DEIR/EA), which examines the potential environmental impacts of the alternatives being considered for the proposed project in Mono County, California. Caltrans is the lead agency under the California Environmental Quality Act (CEQA) and is responsible for producing the environmental document, pursuant to the National Environmental Policy Act (NEPA), on behalf of the Federal Highway Administration. This Environmental Impact Report/Environmental Assessment explains why the project is being proposed, the alternatives being considered for the project, the existing environment that could be affected by the project, the potential impacts of each of the alternatives, the Caltrans preferred alternative, and the proposed avoidance, minimization, and/or mitigation measures.

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SCH# 2016012040
9-Mono-395-PM 88.42/91.55
09-1200-0033

A shoulder widening that would create 8-foot shoulders along
U.S. Highway 395 from post mile 88.42 to post mile 91.55 in Mono County

FINAL ENVIRONMENTAL IMPACT REPORT /ENVIRONMENTAL ASSESSMENT

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 U.S.C. §4332(2)(C)

THE STATE OF CALIFORNIA
Department of Transportation

05-03-17
Date of Approval

Brent Green
District Director
District 9
California Department of Transportation
CEQA Lead Agency
NEPA Lead Agency

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CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

(*Aspen Fales Shoulder Widening Project*)

FOR

The California Department of Transportation (Caltrans) has determined that Alternative 2 Option B will have no significant impact on the human environment. This FONSI is based on the attached Environmental Assessment (EA) which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached EA.

The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried-out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

05-03-17

Date

Caltrans District Director

Summary

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA), and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is the lead agency under both CEQA and NEPA. In addition, the Federal Highway Administration's responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code section 327.

Some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA. Because NEPA is concerned with the significance of the project as a whole, quite often a "lower level" document is prepared for NEPA. One common joint document type is an Environmental Impact Report/Environmental Assessment (EIR/EA), which is what this document is.

This final EIR/EA includes responses to comments received on the Draft EIR/EA and has identified the preferred alternative. If the decision is made to approve the project, a Notice of Determination will be published for compliance with CEQA, and Caltrans will decide whether to issue a Finding of No Significant Impact (FONSI) or require an Environmental Impact Statement (EIS) for compliance with NEPA. A Notice of Availability (NOA) of the FONSI will be sent to the affected units of federal, state, and local government, and to the State Clearinghouse in compliance with Executive Order 12372.

Caltrans is proposing to widen the paved shoulders from 2 to 3 feet to 8 feet on U.S. Highway 395 (U.S. 395) in Mono County, north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit (post mile 88.42) to Burcham Flat Road (post mile 91.55). In addition, the existing curve between post miles 91.25 and 91.55 (Lemus Curve) has a nonstandard radius and super elevation rate. The Total accident rate and Fatal + Injury accident rate for the project limit is 1.37 and 1.20 times higher, respectively, than statewide averages for this segment of highway (Draft Project Report, September 15, 2016). The super elevation refers to the cant of the roadway, or rate of change in height between one side of the road and the other. This project would also install ground-in rumble strips in the shoulders, remove obstructions from the clear recovery zone, and extend and upgrade existing drainage structures.

The purpose of this project is to improve safety and operations along this segment of roadway for the traveling public. The paved shoulders of the highway here are narrow, varying in width between 2 and 3 feet. The accident history for the five-year period, from July 1, 2008 to June 30, 2013, for this segment of highway, shows there were 23 collisions reported, with 65.2% being run-off-the-road collisions. The accident history also indicates a total accident rate for this segment of 1.41 and a fatal-plus-injury rate of 0.55 accidents per million vehicle miles; both of these rates are above the statewide averages of 1.03 and 0.46 accidents per million vehicle miles, respectively.

A large percentage of accidents in the project limits involved vehicles running off the road. Widening shoulders and adding rumble strips have been shown to reduce all accidents by 50%, providing a safety benefit. In addition, wider shoulders improve safety by providing a safer area for motorists to park or maintenance crews to work. For each alternative, existing cuts will be stabilized to reduce rockfall potential and side slopes will be flattened wherever feasible to enhance the effectiveness of the clear recovery zone. The catchment areas proposed with Alternative 1 options are a necessary part of the design, since any new cutting of the rock outcropping will create the potential for rockfall.

For this undertaking, three proposed build alternatives and the No-Build Alternative are under consideration. Two of the build alternatives (Alternatives 1 and 2) have multiple design options (Options A, B and C), with minor changes to the base alternatives. The Caltrans Preferred Alternative was selected following the public meeting that took place on February 14, 2017 and the public review and comment period for this environmental document, which also ended in February 2017. The Caltrans Preferred Alternative, Alternative 2 Option B, is discussed in detail in section 1.4.3 of this document.

Alternative 1 proposes cutting back the rock outcropping at post mile 89.1 to provide space for paved shoulders and a 20-foot-wide clear recovery zone along the existing U.S. 395 alignment. A small segment of privately owned land would need to be acquired to facilitate the rock removal. The amount of new right-of-way needed is based on three distinct rock cut options. Rock cut Option A would require approximately 0.13 new acre, rock cut Option B would require approximately 0.31 new acre, and rock cut Option C would require approximately 0.51 new acre of right-of-way.

For Alternative 2, the highway would be realigned to avoid the rock outcropping (post mile 89.1 right). Three different alignments are proposed for Alternative 2. Alternative 2 Option A would facilitate the new alignment by lengthening the existing curve, at post mile 88.91, and creating a new curve south of the rock outcropping and returning to the existing alignment near post mile 89.5. Alternative 2 Option B proposes to realign U.S. 395 between post miles 89.0 and 89.3. To facilitate the realignment, the existing curve beginning at post mile 88.91 will be lengthened, a new curve created south of the outcropping, and a new tangent will conform to the existing curve beginning at post mile 89.28, which will be shortened.

Alternative 3 would also realign the highway to avoid excavation of the rock outcropping. To facilitate the realignment, the curve beginning at post mile 88.91 will be relocated approximately 300 feet to the east and will be shortened. A 0.5-degree angle point (breakpoint) will be added to the alignment at post mile 89.1, which will guide the realigned highway back to the existing highway near the beginning of the next curve at post mile 89.28.

The No-Build Alternative would leave the facility as it currently exists.

The following table shows the major potential impacts from the alternatives and compares the potential impacts of each build alternative and the No-Build Alternative.

Summary of Potential Impacts from the Alternatives

Potential Impact	Alternative 1	Alternative 2	Alternative 3	No-Build Alternative
Visual/Aesthetics	Options A, B and C would result in significant impact to visual resources, due to rock excavation and the removal of riparian habitat (Permanent impact)	Options A, B and C would have less-than-significant impacts since each option avoids 1) the rock outcropping and 2) the aspen trees, the 2 primary contributors to the high visual quality in the project's vicinity (Temporary impact)	This alternative would have a less-than-significant impact with mitigation measures. Re-vegetation of the removed aspen trees would reduce impacts to the quality of the area's visual character (Temporary impact)	No impact
Cultural Resources	Options A, B and C would potentially affect 5 historic properties, two of which could be adversely affected. The remaining 5 historic properties will be avoided by establishing Environmentally Sensitive Areas (ESAs)	Options A, B and C would potentially affect 4 historic properties, one of which could be adversely affected. The remaining 5 properties will be avoided by establishing ESAs	Alternative 3 would potentially affect 4 historic properties, one of which could potentially be adversely affected. The remaining 5 properties will be avoided by establishing ESAs	No impact
Natural Communities (Riparian habitat)	Options A, B, and C would impact a total of 0.29 acre of aspen trees	Option A would impact 0.44 acre of aspen trees Option B would impact 0.26 acre of aspen trees Option C would impact 0.26 acre of aspen trees	This alternative would impact 0.34 acre of aspen trees	No impact
Wetlands and Other Waters	Options A, B, and C would impact a total of 0.62 acre of wetlands	Option A would impact 1.05 acre of wetlands Option B would impact 0.66 acre of wetlands Option C would impact 0.64 acre of wetlands	This alternative would impact 0.64 acre of wetlands	No impact
Construction: **Noise**	Blasting or alternatives to rock excavation would have temporary noise impacts (about 65 dBA at closest receptor)	No substantial permanent noise impacts	No substantial permanent noise impacts	No impact
Animal Species	Less-than-significant impacts to migratory deer and migratory birds	Less-than-significant impacts to migratory deer and migratory birds	Less-than-significant impacts to migratory deer and migratory birds	No impact

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Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans), as lead CEQA and NEPA agency, is proposing to improve an approximately 3-mile segment of U.S. 395 by widening shoulders from the current 2 to 3 feet to 8 feet in Mono County. The project is north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit (post mile 88.42) to Burcham Flat Road (post mile 91.55). Figures 1-1 and 1-2 show project vicinity and location maps, respectively.

Caltrans is the lead agency under the National Environmental Policy Act (NEPA). Caltrans is also the lead agency under the California Environmental Quality Act (CEQA). This project is included in the 2015 Federal Statewide Transportation Improvement Program (FSTIP) and is proposed for funding from the State Highway Operations and Protection Program (SHOPP), in the 201.015—Collision Severity Reduction Program (FSTIP, 2015, pg. 262).

This final environmental document addresses comments received during the circulation of the draft environmental document. Please see Appendix M for detailed comments from the public and other agencies, as well as responses from Caltrans.

1.2 Purpose and Need

The purpose of the project is to improve safety and operation of the current facility by upgrading non-standard elements of the roadway design. The project is intended to address deficiencies found on U.S. 395 within the limits of the project area.

1.2.1 Purpose

The purpose of the project is to:

- Improve safety and operation of the facility.
- Improve design continuity along this section of U.S. 395.

1.2.2 Need

The proposed project addresses several needs:

Safety

The project addresses system safety. Accident rates along this section of U.S. 395 are higher than the statewide average. Accident history for the five-year period from July 1, 2008 to June 30, 2013 for this segment of highway shows there were 23 collisions reported, with 65.2% being run-off-the-road collisions, meaning that the majority of accidents have occurred when drivers depart the roadway due to driver inattention, drowsiness, or incapacitation. The total accident rate for this segment is 1.41, with a

fatal-plus-injury rate of 0.55 accidents per million vehicle miles; both rates are above the statewide averages of 1.03 and 0.46 accidents per million vehicle miles, respectively (Draft Project Report, September 2016).

Non-standard highway features in this segment include 2- to 3-foot shoulders. The project proposes to widen shoulders to the standard 8 feet, with rumble strip, which has been proven to help reduce the type of collisions that historically have occurred within these project limits; the safety benefit of such changes has been shown to reduce all accidents by up to 50% (Draft Project Report, September 2016). Wider shoulders give errant drivers a larger paved area in which to redirect their vehicles back onto the traveled way or to pull off the road; the rumble strip provides an auditory and mild tactile warning when vehicles begin to leave the traveled way. The obstructions in the clear recovery area and steep side slopes are also non-standard highway features that contribute to the run-off-the-road accident rate.

Roadway Deficiencies

Upgrading roadway deficiencies by correcting super-elevations would improve safety and operation of the highway. The super-elevation refers to how much the outer edge of a curve is banked above the inner edge. A steeper super-elevation would help drain water from the roadway and eliminate the buildup of ice during winter, as well as enable vehicles to grip the roadway more effectively. Adding these standard upgrades to the highway will meet the projects purpose by building safety design features that prevent run-off-the-road accidents.

The project aligns with local governmental plans. The project is consistent with the Mono County Regional Transportation Plan (RTP) of 2013, which states that the "primary needs for U.S. 395 throughout Mono County are adding adequate shoulders during Highway 395 maintenance projects to enable safe pedestrian and bike use, as well as increased motorist safety [and] improved system safety and maintenance" (Regional Transportation Plan, 2013, 30).

Regional and System Planning

The work planned for this segment of U.S. 395 is consistent with similar shoulder-widening projects in the area, facilitating the design continuity of the state's transportation goals. This project is consistent with the Caltrans District 9 U.S. 395 Transportation Concept Report (TCR), which states that "shoulder widening is needed" in this segment of highway, while at the same time keeping bicyclists in mind (Transportation Concept Report, November 2014).

U.S. 395 is included in the National Highway System (NHS), the State Freeway and Expressway System. U.S. 395 is also officially designated as a Federal Eastern Sierra Scenic Byway and State Scenic Highway. This highway is considered a High Emphasis Focus Route and is part of the Interregional Road System (IRRS). It is also a Federal Surface Transportation Assistance Act (STAA) route.

1.3 Project Description

Caltrans proposes to widen the paved shoulders from the existing 2- to 3-foot width to 8 feet on U.S. 395 in Mono County, north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit (post mile 88.42) to Burcham Flat Road (post mile 91.55). The pavement's cross-slope (the slope that runs from centerline to the edge of pavement) and super-elevation are non-standard from post miles 91.25 to 91.55 (Lemus Curve). The proposed project would correct pavement cross-slopes and super-elevation through the Lemus Curve to meet current standards. The Total accident rate and Fatal + Injury accident rate throughout the project limits are 1.37 and 1.20 times higher, respectively, than statewide averages for this segment of highway (Draft Project Report, September 15, 2016). This project would also install ground-in rumble strips in the shoulders, remove obstructions from the clear recovery zone, and extend and upgrade existing drainage structures.

Figure 1-1 Project Vicinity Map

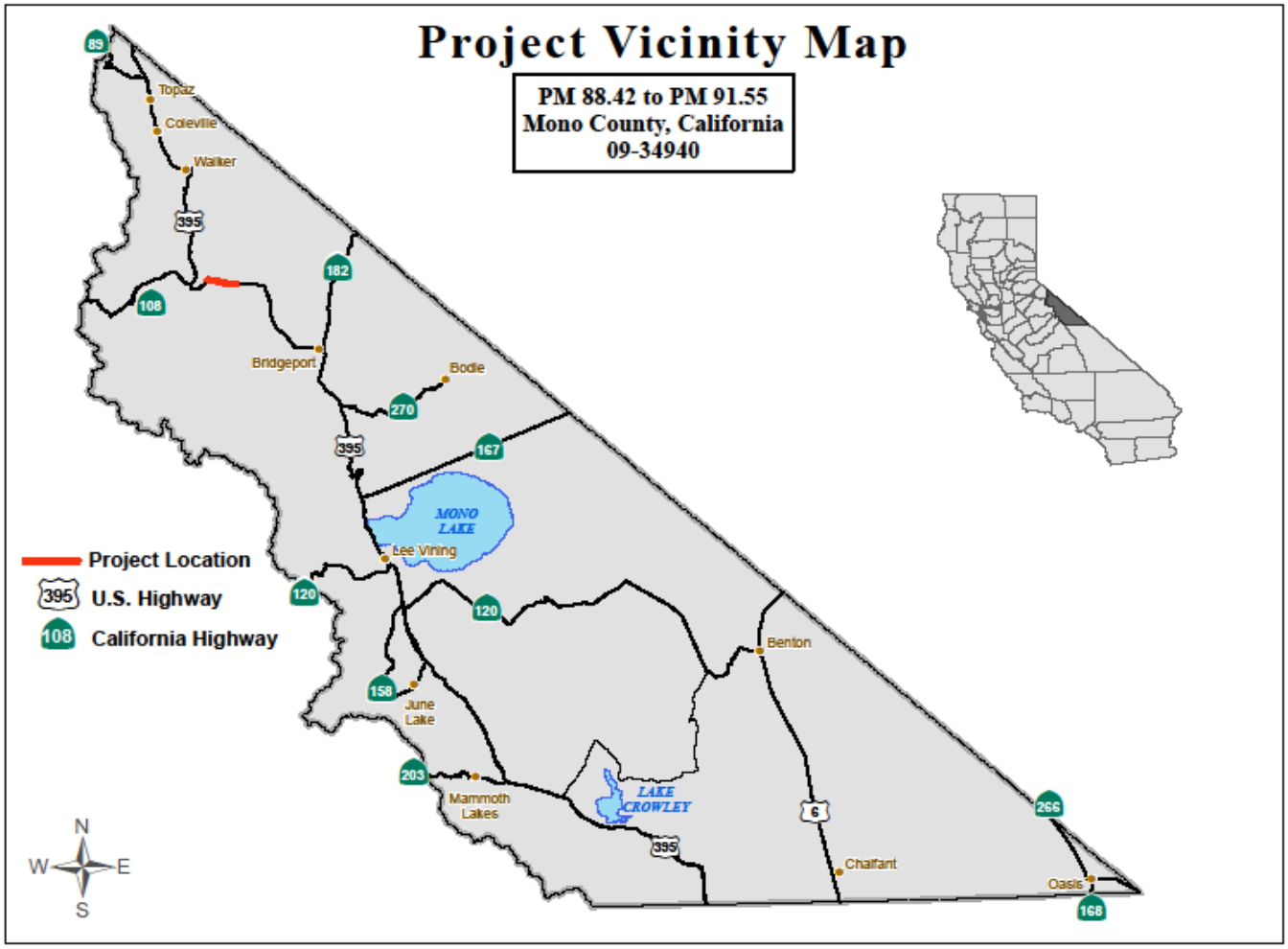
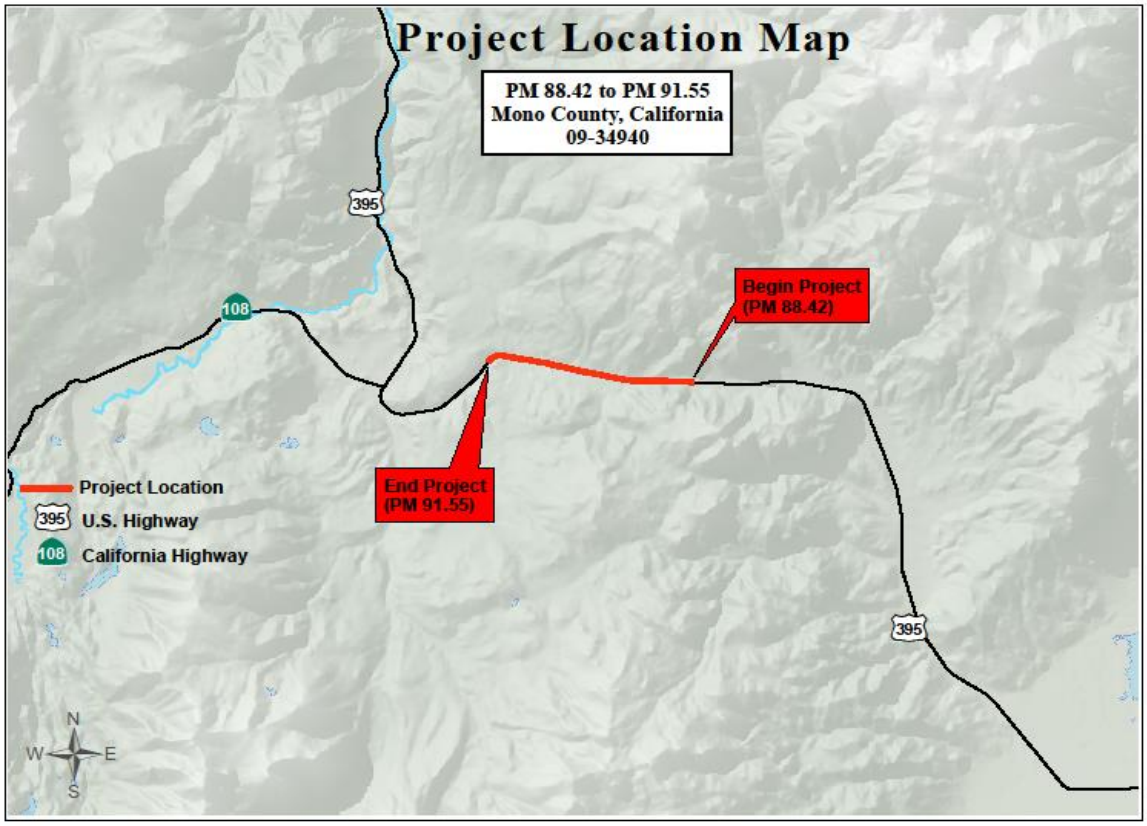


Figure 1-2 Project Location Map



1.4 Project Alternatives

1.4.1 Build Alternatives

This section describes the proposed action and the project alternatives developed to meet the purpose and need of the project, while avoiding or minimizing environmental impacts. Three build alternatives and the No-Build Alternative are presented in this document. Two of the build alternatives (Alternatives 1 and 2) have multiple design options (Options A, B and C), with minor changes to the base alternatives. In all, the alternatives under consideration are Alternative 1A, Alternative 1B, Alternative 1C, Alternative 2A, Alternative 2B, Alternative 2C, Alternative 3, and the No-Build Alternative.

The project sits in Mono County on U.S. 395, north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit (post mile 88.42) to Burcham Flat Road (post mile 91.55).The total length of the project is 3.1 miles. Within the limits of the proposed project, U.S. 395 is a rural two-lane, conventional

highway with two 12-foot lanes and paved shoulders that vary in width from 2 to 3 feet.

Common Design Features of the Build Alternatives

All of the build alternatives have several common operational safety improvement features. These include the following:

- Widening the shoulders to 8 feet.
- Installing shoulder rumble strips.
- Constructing a buried safety edge along the edge of the new paved shoulders.
- Correcting the super-elevation transitions and super-elevation from post miles 91.25 to 91.55 to meet current standards.
- Upgrading existing drainage structures and culverts at post miles 89.07, 89.44, 89.96, 90.12, 90.40 and 91.22.
- Removing obstructions from the clear recovery zone where feasible.

Some common physical features are proposed for all of the build alternatives, including the construction of headwalls and wing walls. Headwalls are small retaining walls, structures that rise vertically from the horizontal plane and are designed to hold back soil and unnatural slopes. The project would also construct new side slopes beyond the paved shoulders. The cross-slope of new side slopes would vary to minimize or avoid disturbance to wetlands, riparian vegetation, or archaeological sites.

Unique Features of the Build Alternatives

Alternative 1

The specific physical features proposed for Alternative 1 include maintaining the existing highway alignment and adding paved shoulders symmetrically on each side of the highway centerline. The rock outcropping at post mile 89.1 would be cut back to provide space for paved shoulders and a 20-foot-wide clear recovery zone. A small segment of privately owned land would need to be acquired to facilitate the rock removal. The amount of new right-of-way needed is based on three distinct rock cut options. The removal of this rock material would be designed to minimize the chance of rock falling onto the roadway with the lowest estimated quantity of rock removal, lowest estimated cost, and the smallest area of disturbance.

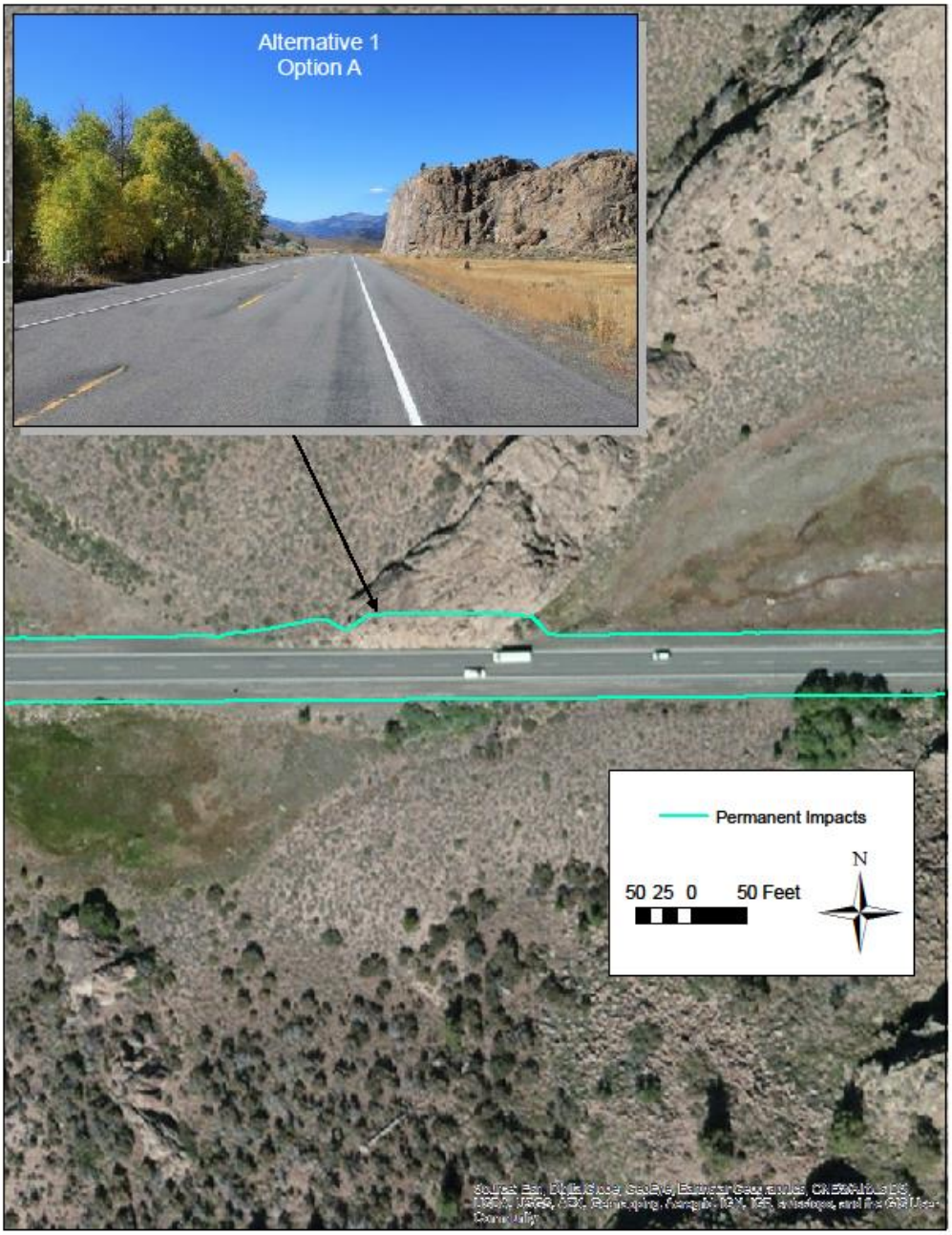
To create a natural look following the rock cut, several techniques would be used, including over-blasting of the rock to create blocky, irregular surfaces. Rock staining would mimic the coloration and patina of the adjacent (undisturbed) oxidized rock surface, and additional sculpting of the blasted surfaces would create a non-planar surface that blends into the surrounding rock feature.

Alternative 1 would cost approximately $7,077,000.

Alternative 1 Option A

Alternative 1A would create a slope ratio to the rock cut that is horizontal. See Figure 1-3. This alternative would create a 20-foot catchment ditch for potential rockfall. The estimated amount of rock removal is approximately 4,000 cubic yards. To facilitate the rock removal, approximately 0.13 acre of private land would have to be acquired.

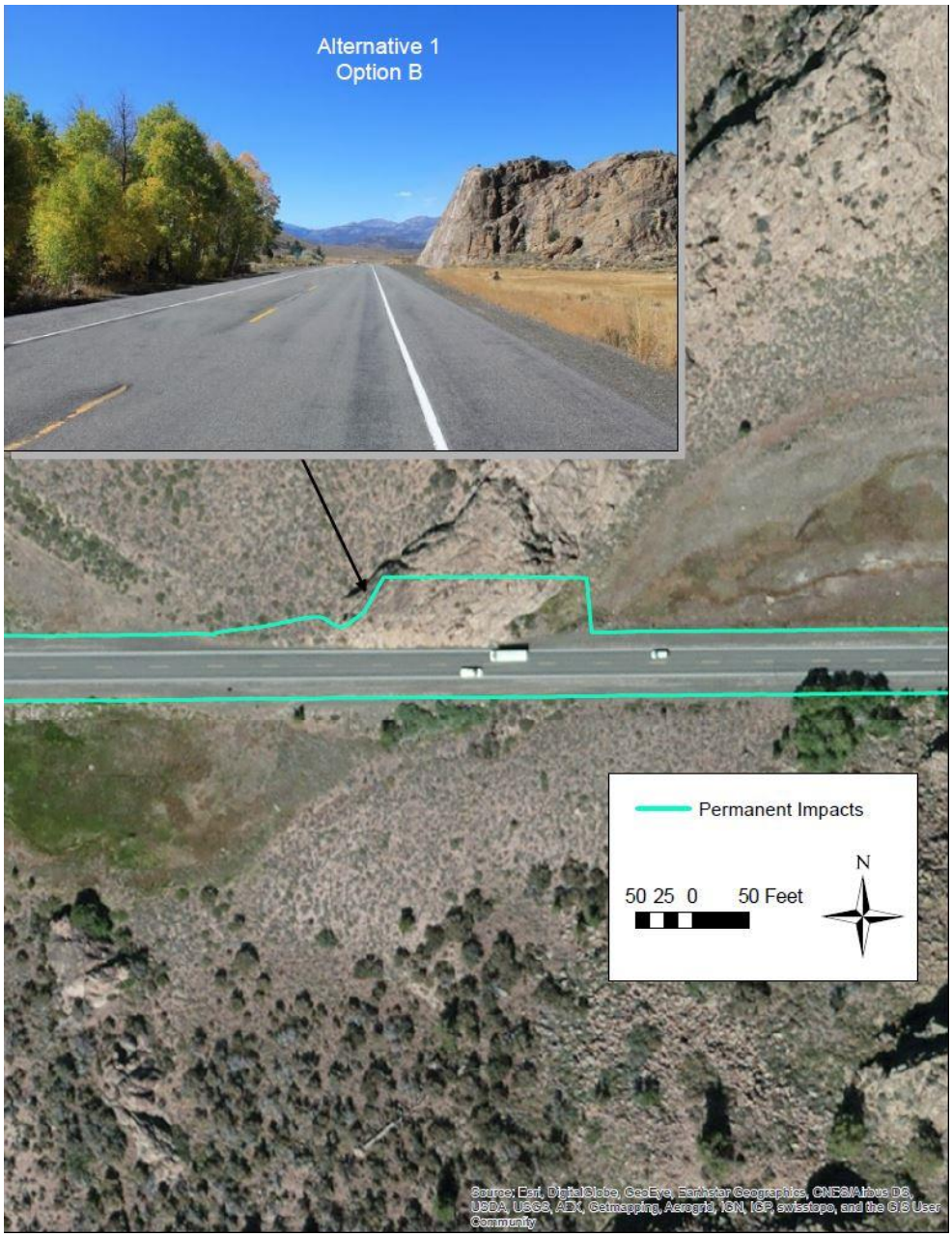
Figure 1-3 Alternative 1 Option A



Alternative 1 Option B

Alternative 1B would create a slope ratio to the rock cut that is 0.5H:1V. This means the angle is such that for every unit of vertical movement up the slope, the horizontal movement will be half as much. See Figure 1-4. This option creates a 25-foot catchment ditch for potential rockfall. The estimated amount of rock removal is approximately 12,000 cubic yards. To facilitate the rock removal, approximately 0.31 acre of private land would have to be acquired.

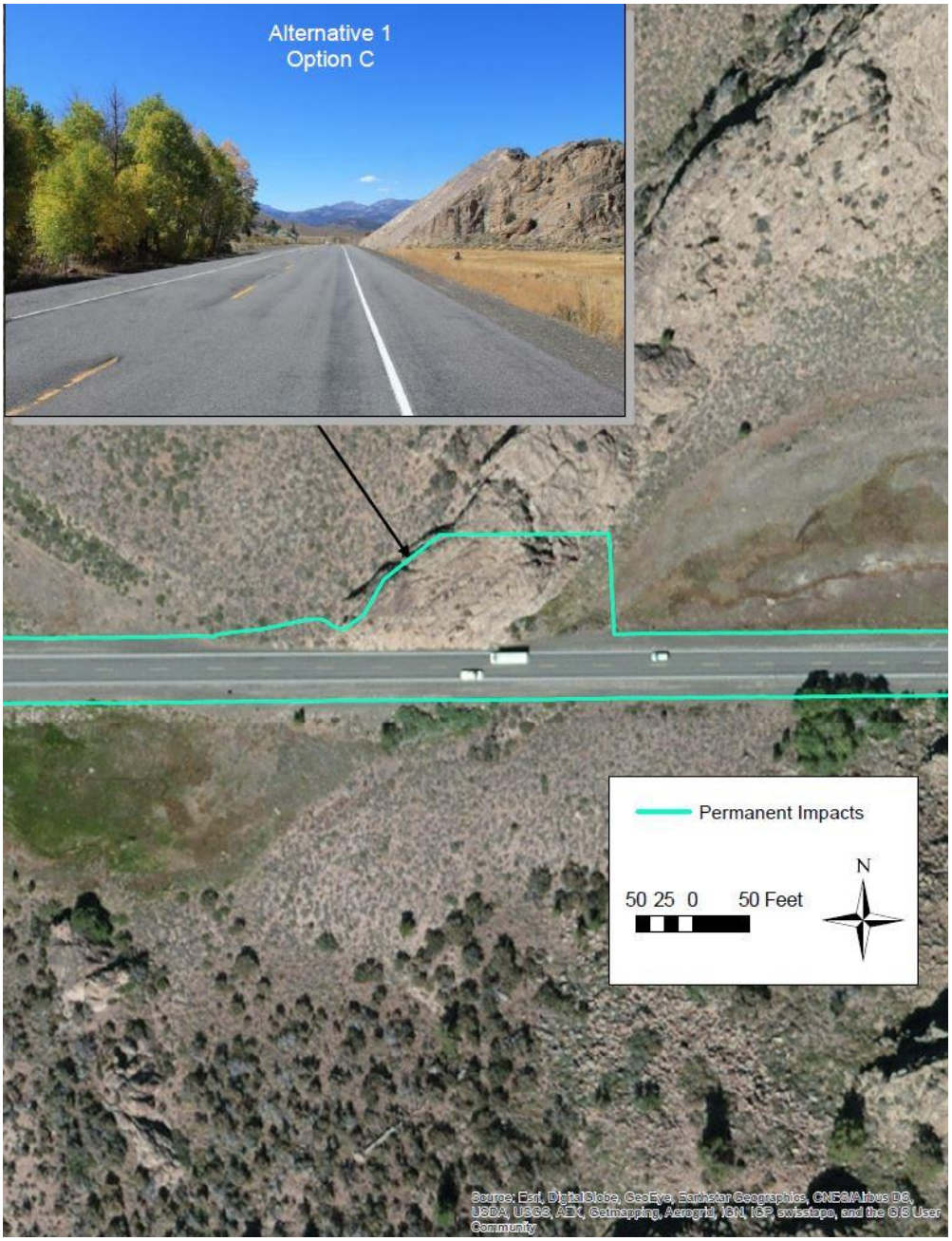
Figure 1-4 Alternative 1 Option B



Alternative 1 Option C

Alternative 1C would create a slope ratio to the rock cut that is 1.5H:1V. See Figure 1-5. This option would not use any catchment area because the angle and stability of the rock cut does not require it. The estimated amount of rock removal is approximately 11,000 cubic yards. To facilitate the rock removal, approximately 0.51 acre of private land would have to be acquired.

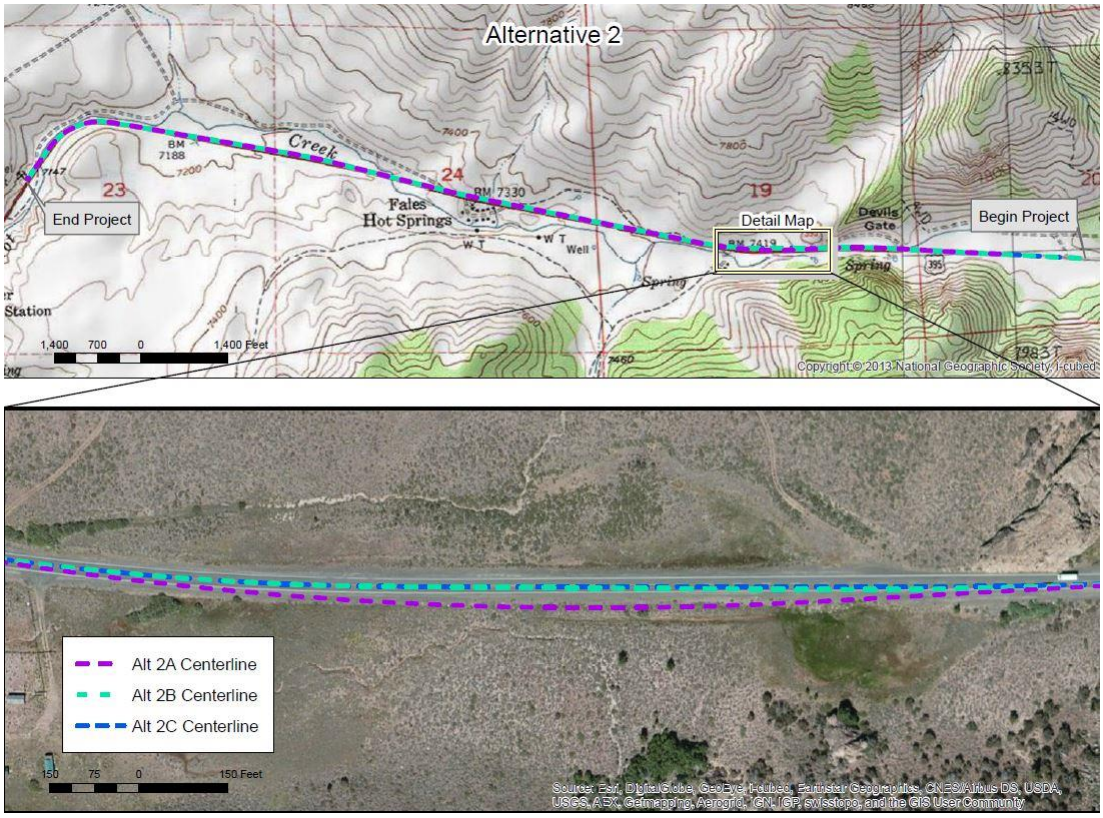
Figure 1-5 Alternative 1 Option C



Alternative 2

Alternative 2 would realign U.S. 395 from post miles 89.0 to 89.5 to avoid the rock outcropping at post mile 89.1. Three alignment options are proposed for Alternative 2. See Figure 1-6. Additional private land would be required to facilitate the highway realignment for all Alternative 2 options. Alternative 2 would cost approximately $6,827,000.

Figure 1-6 Alternative 2



Alternative 2 Option A

Alternative 2 Option A would realign U.S. 395 between post miles 89.0 and 89.4 to avoid excavating the outcropping, creating 2,600 new feet of highway. The maximum offset of the new alignment would be around post mile 89.2 where the roadway centerline would be about 38 feet south of the existing roadway centerline. Alternative 2 Option A would facilitate the new alignment by lengthening the existing curve, at post mile 88.91, and creating a new curve south of the rock outcropping and returning to the existing alignment near post mile 89.5. The proposed clearance from the northbound edge of the traveled way to the outcropping at post mile 89.1 is 14 feet. Roughly 2.1 acres of private land would have to be acquired.

Alternative 2 Option B

Alternative 2 Option B would realign U.S. 395 between post miles 89.0 and 89.3 to avoid excavating the outcropping, creating 1,600 new feet of highway. To facilitate the realignment, the existing curve beginning at post mile 88.91 will be lengthened, a new curve created south of the outcropping, and a new tangent will conform to the existing curve beginning at post mile 89.28, which will be shortened. Option 2B provides 10 feet of clearance at the rock outcrop. Roughly 0.09 acre of private land would have to be acquired.

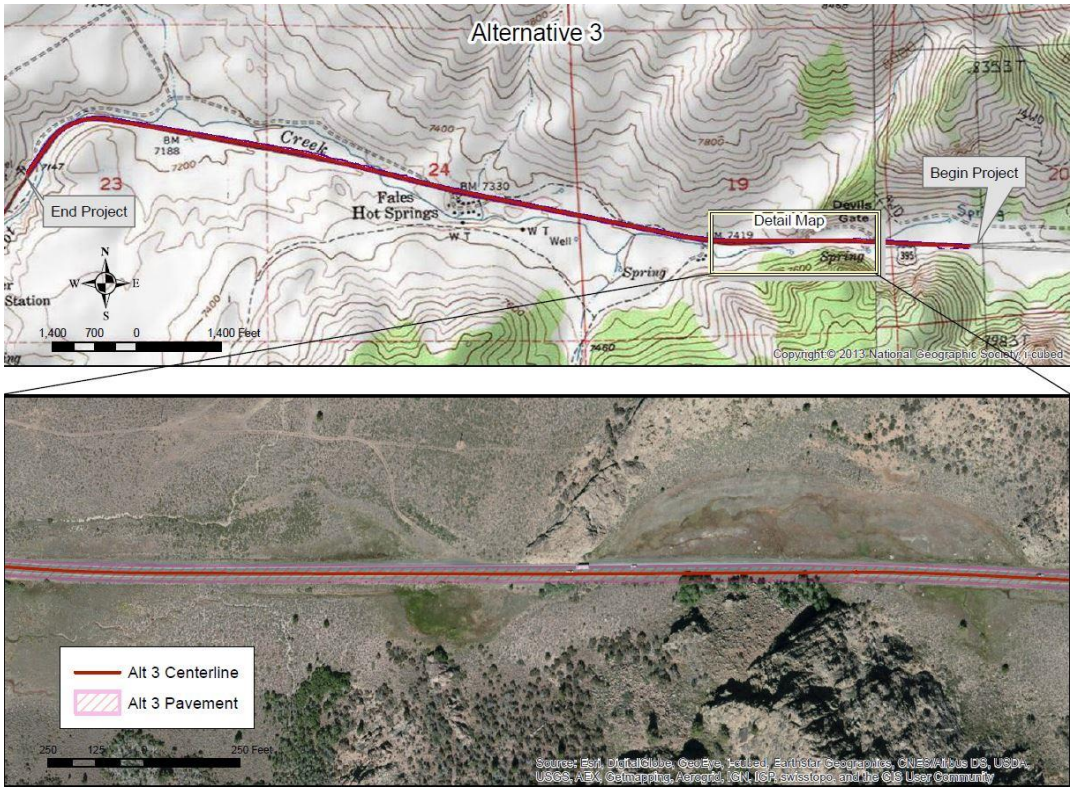
Alternative 2 Option C

Alternative 2 Option C would realign U.S. 395 between post miles 89.0 and 89.3 to avoid excavating the outcropping, creating 1,500 new feet of highway. To facilitate the realignment, the existing curve beginning at post mile 88.91 will be lengthened, a new curve created south of the outcropping, and a new tangent will conform to the existing curve beginning at post mile 89.28, which will be shortened. Option 2C provides 8 feet of clearance. Roughly 0.09 acre of private land would have to be acquired.

Alternative 3

Alternative 3 would realign the highway between post miles 88.9 and 89.3 to avoid excavation of the outcropping at post mile 89.1. See Figure 1-7. The maximum offset from the highway would be at post mile 89.0, where the new roadway centerline would be about 12 feet south of the existing roadway centerline. To facilitate the realignment, the curve beginning at post mile 88.91 will be relocated approximately 300 feet to the east and be shortened. A 0.5-degree angle point (breakpoint) will be added to the alignment at post mile 89.1, which will guide the realigned highway back to the existing highway near the beginning of the next curve at post mile 89.28. Alternative 3 would not require any new privately owned land. This alternative will move the highway about 12 feet closer to the aspen grove and talus field near post mile 89.0 (left). It will require removal of several aspens closest to the highway. This realignment, however, will disturb less wetland area than the realignment options proposed in Alternative 2. Alternative 3 would cost approximately $6,596,000.

Figure 1-7 Alternative 3



1.4.2 No-Build (No-Action) Alternative

The No-Build Alternative would not upgrade this segment of U.S. 395 to 8-foot shoulders and would instead keep the roadway in its current condition. The No-Build Alternative does not meet the purpose and need for the project as it would not improve safety or operational efficiency of the highway, or provide route continuity. Routine maintenance would continue, but would continue to be more difficult for Caltrans crews to work on, with so little shoulder space.

1.4.3 Caltrans Preferred Alternative

After the public circulation period, all comments were analyzed, and Caltrans selected a preferred alternative and made the final determination of the project's effect on the environment. Caltrans has certified that the project complies with CEQA and prepared findings for all significant impacts identified. Caltrans will file a Notice of Determination with the State Clearinghouse that will identify whether the project will have significant impacts, if mitigation measures were included as conditions of project approval and that findings were made. Similarly, if Caltrans, as assigned by the Federal Highway Administration (FHWA), determines the NEPA action does not

significantly impact the environment, Caltrans will issue a Finding of No Significant Impact (FONSI).

Identification of the Preferred Alternative

Selection of the preferred alternative occurs only after specific effects and reasonable mitigation measures have been identified for each project alternative. The selection is made after all comments are received from the circulation of the draft environmental document for public comment and from the public hearing process. Caltrans has worked to create reasonable alternatives (alternatives that meet the project's purpose and need), which can gain a consensus within the community, the Project Development Team and the permitting agencies. The proposed project does not have an "avoidance alternative," that is, one which altogether avoids impacts to biological, archeological, or visual resources.

CEQA Guidelines require that the Environmental Impact Report describe the range of reasonable alternatives to the project, which feasibly attain most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. All three of the proposed alternatives (and all "options" within each alternative) were reasonable alternatives: they all addressed improving safety and operation of the facility, upgrading non-standard design elements and improving design continuity along U.S. 395. Since each of the three alternatives affects environmental resources, Caltrans has selected an *environmentally preferred alternative*, whereby impacts to one resource are balanced against impacts to others, allowing Caltrans to select an alternative that *causes the least harm*, after mitigation, to protected resources and the environment.

Alternative 2 Option B has been selected as the preferred alternative. From the standpoint of affected resources, Alternative 2 allows for construction of the project without any loss to visual resources. This alignment completely avoids the rock outcropping, with a less-than-significant impact on riparian habitat (aspen trees), the primary contributors to the high visual quality in the project's vicinity. The other alternatives would require mitigation for visual resources (Alternative 1, Option A, B or C; Alternative 3), as aesthetic treatments to the excavated rock outcropping in the case of Alternative 1, or as revegetation of aspen trees, in the case of Alternative 3. The effects to archaeological resources, animal species and wetlands are comparable across the proposed alternatives; however, analysis shows that impacts to riparian habitat are least under Alternative 2 Option B. Furthermore, although mitigation can reduce impacts to less-than-significant, public opinion also played a crucial role in evaluating the proposed alternatives. Local residents tended to think that excavation of the rock would damage scenic resources, was too costly and generally unnecessary. Furthermore, the Bridgeport Indian Colony Tribal Historic Preservation Officer (THPO) has articulated that the rock outcropping is culturally important to native groups.

1.5 Permits and Approvals Needed

The following permits and approvals would be required for the proposed project.

Agency	Permit/Approval	Status
State Office of Historic Preservation	Project-specific Memorandum of Agreement (MOA), Section 106 Finding of Adverse Effect	State Historic Preservation Officer & Caltrans MOA, in effect April 24, 2017
U.S. Army Corps of Engineers	Section 404 Individual Permit, Clean Water Act	Permit will be acquired after the final environmental document and before construction.
Lahontan Regional Water Quality Control Board	Section 401 and Section 402 of the Clean Water Act	Permits will be acquired after the final environmental document and before construction.
California Department of Fish and Wildlife	1602 Lakebed Stream Alteration Agreement	Permit will be acquired after the final environmental document and before construction.

Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures

As part of the scoping and environmental analysis done for the project, the following environmental issues were considered, but no adverse impacts were identified. There is no further discussion of these issues in this document:

- Air Quality – There are no permanent impacts to air quality anticipated for this project. For discussion of temporary impacts, please see section 2.3 Construction Impacts.

- Noise – The project lies in a mostly rural setting, with few residences near the highway within the project limits. No permanent impacts to noise levels are anticipated for this project. For discussion of temporary impacts, please see section 2.3 Construction Impacts. Following the public comment period, a property owner adjacent to the highway noted that rumble strips could create a noise impact at that location. Caltrans will conduct an informal noise assessment, verifying that the noise from the rumble strips is roughly the same as noise from a passing vehicle. Caltrans will then establish where to suspend the rumble strip. As of now, a gap in the rumble strip will be located where the noise levels are the highest, near this individual's property.

- Hazardous Waste – There are no known sources of hazardous waste or soil contaminants within the construction project limits. For discussion of temporary impacts, please see section 2.3 Construction Impacts. Soil with elevated concentrations of aerially deposited lead within the limits of the project on the state highway system right-of-way will be managed under the July 1, 2016 Aerially Deposited Lead Agreement between Caltrans and the California Department of Toxic Substances Control. Soils with elevated concentrations of aerially deposited lead outside of the state right-of-way will be managed under all applicable laws and regulations.

- Wild and Scenic Rivers – No river classified as part of the National Wild and Scenic River System, a National Study River, part of the California Wild and Scenic River System, or a Special River was identified in the proposed project area (field visit, July 7, 2015).

- Parks and Recreation – Based on field surveys and research about local, county, and state park and recreation systems, there were no parks or recreation facilities identified in the proposed project area. There are no designated equestrian trails,

recreational bikeways, or any other designated recreational trails identified within the study area. There are no Section 4(f) resources within the project vicinity (Mono County General Plan, Conservation/Open Space Element, 2009; field visit, July 7, 2015)

- Farmland/Timberlands – No timberlands are in the proposed project area. Based on consultation with the U.S. Natural Resources Conservation Service (NRCS), no farmland was identified within the project area (field visit, July 7, 2015).

- Hydrology and Floodplain – This project does not encroach on or impact a floodplain (Preliminary Environmental Assessment Report, December 24, 2013).

- Environmental Justice – Based on census data and a review of property owners in the area, there are no minority or low-income populations in the project area. Also, there are no residential relocations necessary due to this project. Therefore, this project is not subject to the provisions of Executive Order 12898 (http://www.city-data.com/county/Mono_County-CA.html).

- Existing and Future Land Use – The proposed project shows consistency and compatibility with the Mono County General Plan (Mono County General Plan, 2015) and Mono County Regional Transportation Plan. The proposed project is identified under the short-range highway improvement program category in the Regional Transportation Plan (Regional Transportation Plan, 2013).

- Growth – The proposed project is in a rural location and will not lead to increased transportation capacity in the project area (Mono County Regional Transportation Plan, 2015; field visit, July 7, 2015).

- Traffic and Transportation/Pedestrian and Bicycle Facilities – The proposed widened shoulders would create a highway conducive to pedestrians and bicycles (Draft Project Report, May 2016, pg. 3). For further discussion on the proposed project's effects on Traffic see section 2.3 Construction Impacts.

- Community Character and Cohesion – The project is in a rural area that does not bisect an incorporated city or town. A small group of residential homes sits near the vicinity of the project, but there will be no disruption to the cohesion of any community (Mono County General Plan, 2015).

- Paleontology – The project site lies within an area mapped as Mesozoic-aged granite, Pliocene volcanic rocks, Quaternary glacial deposits, and Quaternary alluvium. Because the post mile section consists mainly of plutonic and other rocks of low to no paleontological sensitivity, paleontological resources are unlikely to be discovered during excavation (Paleontological Identification Report, April 2, 2014).

- Geology – Based on literature and field reviews, it is not anticipated that geotechnical issues will arise from cutting the outcropping (post mile 89.1) at the

District-proposed slope ratio of 1.5H:1V. Active and dormant deep-seated slides were not observed in the proposed project work area during site reconnaissance. Quaternary-aged landslides appear to be beyond the area where current project work is proposed to occur. A kinematic analysis was performed to determine rockfall potential based on the different slopes proposed in Alternative 1 Option A, B, or C. It was determined that rockfall failure is possible at a slope of 2H:1V or steeper. Potential rockfall can be reduced by using a cut slope of 1.5H:1V, with an unpaved catchment width added to the shoulder area to retain rockfall that occurs from the slope. A 20-foot minimum catchment would offer 99% retention of rockfall (Preliminary Geotechnical Report, 2015).

- Animal Species – During the initial Caltrans environmental clearance process, greater sage-grouse critical habitat was mapped within and adjacent to the proposed project's biological study area (BSA). A U.S. Fish and Wildlife Service determination was made that the proposed project will have no effect on the greater sage-grouse or greater sage-grouse habitat. For further discussion, please see section 2.3 Construction Impacts.

- Threatened and Endangered Species – Consultation with the U.S. Fish and Wildlife Service was conducted from May to November 2014 according to the requirements of the Federal Endangered Species Act (FESA). Official Species Lists were obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife on April 17, 2017. The FESA Section 7 effects determination is that the proposed project will have no effect on any listed species, or species required to be considered for the proposed project, including the Sierra Nevada yellow-legged frog, Yosemite toad, Lahontan cutthroat trout, or the Sierra Nevada Bighorn Sheep. According to the U.S. Fish and Wildlife Service, the effects to critical habitat for the Sierra Nevada yellow-legged frog, Yosemite toad and Sierra Nevada Bighorn sheep should be considered for this project. The FESA Section 7 effects determination is that the proposed project will have no effect on critical habitat for these species (Natural Environmental Study, 2016).

- Water Quality – There will be no long-term environmental effects to storm water, surface waters or groundwater as a result of the project (Water Quality, Technical Memo, 2016; Stormwater Data Report, 2016). For a discussion of temporary, construction-related impacts, see section 2.3 Construction Impacts for details.

- Utilities – The proposed project is likely to require relocation of the Digital 395 fiber-optic cable. For a discussion of this process, please see section 2.3 Construction Impacts.

- Public Services – The Mono County Sheriff's Department and the California Highway Patrol are responsible for traffic enforcement in the unincorporated rural communities along U.S. 395 throughout Mono County. The Bridgeport Fire Protection District provides fire services and protection to the area. Response times from the above departments are not expected to be permanently impacted.

For more discussion on temporary impacts, please see section 2.3 Construction Impacts (Correspondence with Design Engineer, March 29, 2016).

- Energy – When balancing energy used during construction and operation against energy saved by improving safety, the project would not have substantial energy impacts.

2.1 Human Environment

2.1.1 Visual/Aesthetics

Regulatory Setting

The National Environmental Policy Act (NEPA), as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 U.S. Code 4331[b][2]). To further emphasize this point, the Federal Highway Administration in its implementation of NEPA (23 U.S. Code 109[h]) directs that final decisions on projects are to be made in the best overall public interest taking into account adverse environmental impacts, including, among others, the destruction or disruption of aesthetic values.

The California Environmental Quality Act (CEQA) establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of *aesthetic*, natural, scenic and historic environmental qualities" (California Public Resources Code Section 21001[b]).

Affected Environment

A Visual Impact Report for the project was completed in June 2016. This study used an analysis model developed by the Federal Highway Administration in conjunction with the American Society of Landscape Architects.

Within the approximately 3-mile segment of the proposed project, the visual setting changes. The eastern portion of the project is in the narrow Huntoon Valley, which is surrounded to the north and south by steep, jagged mountains. These slopes are often broken up by large rock formations rising above jagged talus slopes. Shrublands and scattered pine forests exist where there is adequate soil coverage. The roadway experiences a narrow chokepoint where the near-vertical face of the rock outcropping ends across the roadway from the steep forested slopes of an adjacent mountain, at post mile 89.1. West of the outcropping, the roadway enters into a broad shrubland-covered valley, surrounded by the mountains of the Sierra Nevada Range.

Throughout the project limits, the roadway occasionally abuts the edge of poor to moderately vegetated road cuts. All existing roadside cut slopes in the project limits, except for the outcropping, have an average grade of 2:1. The proposed project passes

through a segment of U.S. 395 that is officially designated as the Eastern Sierra Scenic Byway and State Scenic Highway.

The general landform and vegetative cover throughout the project limits are visually consistent, and no atypical visual features are present. It is expected that most casual observers would perceive the project limits as being somewhat homogeneous throughout its length.

The quality of the existing visual environment through the project area is very high. The scenic mountainous terrain, covered with a combination of waist-high shrublands with patches of tall pine forests, provide for a mix of focused and expansive views of the surrounding landscape. The rock outcropping acts as a focal point and provides a visual doorway for travelers entering the narrow Huntoon Valley toward the east and the wide-open Wheeler Flats to the west.

The physical changes caused by the project are seen mainly in terms of form, line, color and texture, as well as scale, dominance, diversity and continuity. These physical attributes are visually experienced as an integrated whole, defining the perceived visual character of the landscape. How these attributes relate to one another and their setting is assessed in part by analyzing the view's *vividness, intactness* and *unity*. Vividness is the visual power or memorability of the landscape components as they combine in striking and distinctive visual patterns. Intactness is the visual integrity of the landscape and its freedom from non-typical encroaching elements. If all of the various elements of a landscape seem to "belong" together, there will be a high level of intactness. Unity is the visual harmony of the landscape considered as a whole. Unity represents the degree to which potentially diverse visual elements maintain a coherent visual pattern.

For one to assess the degree of resource change caused by the project, a comparison is made between the existing and proposed conditions for each project alternative under consideration, in terms of the visual quality's vividness, intactness and unity. A numerical rating from 1 to 7 was assigned for the visual quality of existing conditions from four observer viewpoints, with 1 having the lowest value and 7 the highest. Photo simulations were then prepared showing the likely appearance of each view after project construction. After a combination of field reviews and photo simulation study, numerical ratings were then assigned to each of these "proposed" views. The numerical difference, if any, between the existing and proposed conditions, quantifies the degree of resource change that may occur as a result of the proposed project.

The resource change (RC) evaluation determined which specific criteria contribute most to the existing quality of each view, and if change would occur to that criteria as a result of the project. If a numerical change in visual criteria was identified, this change was analyzed for its potential effect on the existing visual quality. The degree of resource change (as determined by the resource change evaluation) must be combined with the anticipated viewer response to understand and determine potential levels of visual impact.

Table 2.1 shows a range of visual resource change ratings and the corresponding narrative descriptions of the ratings:

Table 2.1 Visual Resource Change (RC) Ratings and Corresponding Narrative Descriptions

	Negative Visual Resource Change						Positive Visual Resource Change				
Visual Resource Change Rating (RC)	-5.0	-4.0	-3.0	-2.0	-1.0	0	1.0	2.0	3.0	4.0	5.0
Equivalent Narrative Rating	H	MH	M	ML	L	NC	L	ML	M	MH	H

H=High; MH=Moderately High; M=Moderate; ML=Moderately Low; L=Low; NC=No Change

To understand and predict viewer response to the appearance of a highway project, we must know something about the viewers who may see the project and the aspects of the visual environmental to which they are likely to respond. We can differentiate major viewer groups by physical factors that modify perception. For highway projects, we begin with the basic distinction of the views *from* the road, the views *of* the road, the physical location of each viewer group, the number of people in each group, and the duration of their view.

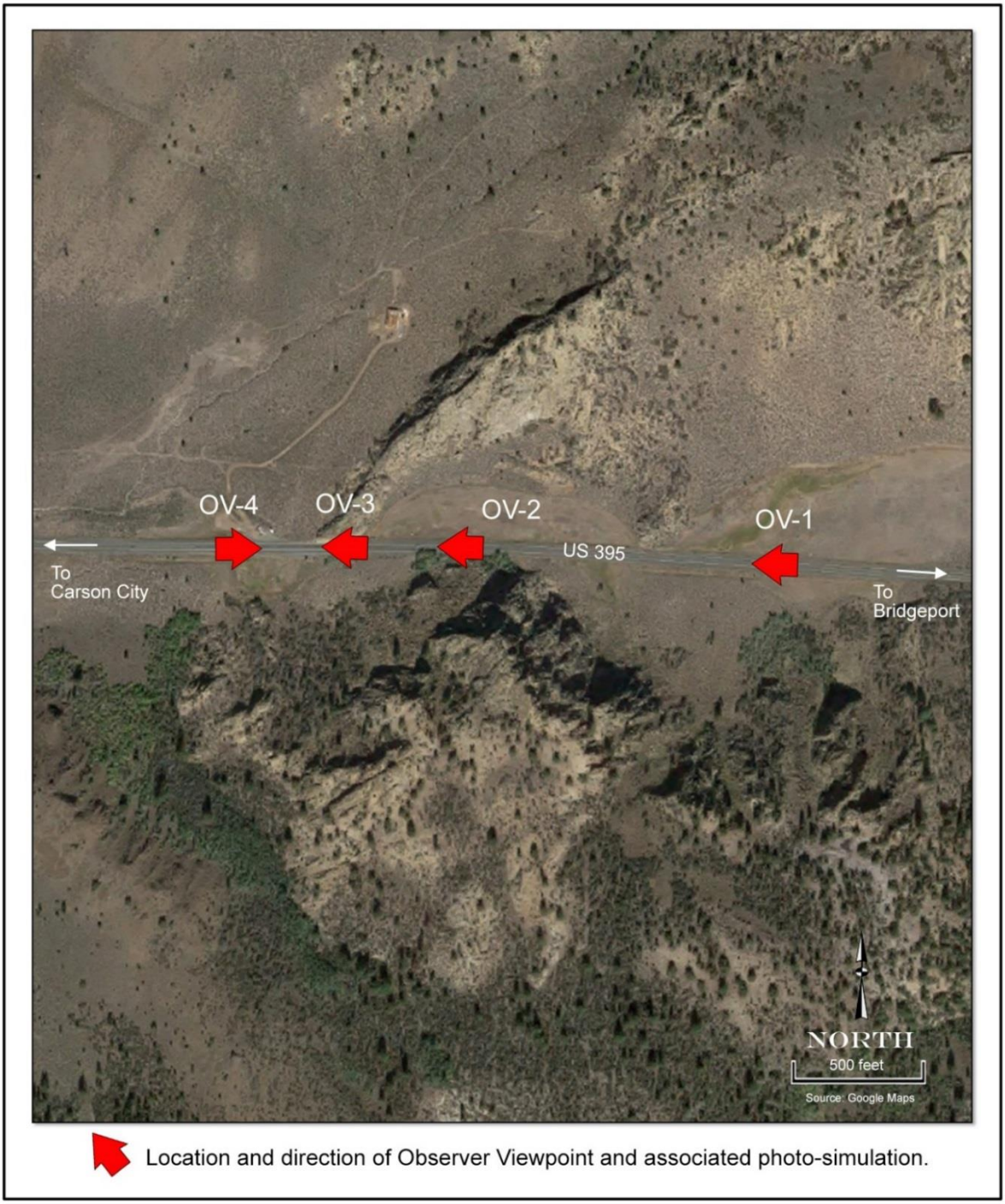
Viewers from the road are composed of the U.S. 395 users, moving in mostly commercial, recreational and personal vehicles. Bicycle activity is common during summer months, but pedestrian activity is limited to the occasional local resident. For a motorist traveling on the highway at the posted speed limit of 65 miles per hour, the project would be potentially visible for approximately 3 minutes. According to 2014 traffic counts, an average of more than 2,890 vehicles pass through the project location each day.

Viewers of the road are composed of those who see the project from off-highway locations. There are some rural residential properties, mostly in valleys adjacent to the highway. Between the outcropping and the Hot Creek overcrossing, there are approximately six residences combined along both sides of the highway. There are also signs of public access along Hot Creek, including swimmers in a small warm water pool at the Hot Creek overcrossing and along the creek, which is populated with fish. The western portion of the project is visible from Burcham Flat Road, which provides access to recreational activities. With the low average height of the sagebrush scrublands, project elements would be visible from the residences and recreational areas.

The receptivity of different viewer groups to the visual environment is not equal. This variable receptivity is defined as viewer sensitivity and is strongly related to visual preference. It modifies visual experience directly by means of viewer activity and awareness; indirectly, sensitivity modifies experience by means of values, opinions, and preconceptions. Assumptions about viewer response include the viewing proximity, duration of views, activity while viewing, and overall viewing context. Consistent with the Federal Highway Administration guidance, representative viewing locations, called Observer Viewpoints (OVs), were selected which best disclose the visual character and changes resulting from implementation of the project. Four viewing locations were selected, three looking northbound toward the work location, and one looking southbound. The Observer Viewpoint locations are shown in Figure 2-1on the following page. This document uses Observer Viewpoint 1 in the discussion of visual resources. This provides readers with the best viewpoint of the outcropping and the Devil's Gate area, which encompasses a broad area. Alterations to the landscape can be best observed from Observer Viewpoint 1 (OV 1). Please refer to the Visual Impact Assessment (2016) to see Observer Viewpoints 2, 3 and 4.

Based on the high visibility of the outcropping right next to the highway, along with the substantial number of potential viewers, the project site has a high degree of visual exposure to the public (Visual Impact Assessment, 2016). In addition, U.S. 395 is designated as the Eastern Sierra Scenic Byway within the California Scenic Highway System. A Scenic Resource Evaluation, within the Visual Impact Analysis, was required in order to assess the project's potential to affect an official scenic highway and ensure efforts are made to preserve its eligibility. The Visual Impact Analysis provides recommendations for preserving the scenic resource value of the facility within the State Scenic Highway System (Visual Impact Assessment, 2016). Aesthetics, light, glare and scenic resources are discussed in the Mono County General Plan Draft Environmental Impact Report, which notes the termination of the National Scenic Byway program and develops efforts that Mono County can address to protect the scenic nature of U.S. 395.

Figure 2-1 Observer Viewpoint Location Map



Environmental Consequences

This section explains the numerical ratings assigned to the existing and proposed views as seen from each observer viewpoint.

The following viewpoint breakdowns analyze the project in terms of the numerical difference in physical change (Resource Change) combined with the expected sensitivities and responses of potential viewer groups (Viewer Response rating). The Visual Quality Evaluation rating is combined with the Viewer Response rating to indicate the potential visual impacts of the project.

Table 2.2 shows the numerical difference between each project alternative and the existing conditions. The overall change to the existing visual resource is obtained by averaging the amount of change from each of four observer viewpoints (Figure 2-1) for each project alternative. These ratings show that Alternative 2, Options A, B and C, would result in the least amount of adverse visual change (-0.10). The visual change ratings are considered along with the high degree of viewer sensitivity for the project. For more detailed information, please see the Visual Impact Assessment for this project.

Table 2.2 Resource Change—Difference Between Project Alternatives and Existing Conditions

Alternative/Option	Observer Viewpoint 1	Observer Viewpoint 2	Observer Viewpoint 3	Observer Viewpoint 4	Combined Impact Rating
Alternative 1 – Option A (vertical cut)	- 0.27	- 0.27	- 0.27	- 0.27	**- 0.27**
Alternative 1 – Option B (0.5:1 cut)	- 0.40	- 0.53	- 0.47	- 0.20	**- 0.40**
Alternative 1 – Option C (1.5:1 cut)	- 0.93	- 0.93	- 0.77	- 0.67	**- 0.82**
Alternative 2 – Options A, B, C (avoid rock cut and aspens)	0.0	- 0.20	- 0.0	- 0.20	**- 0.10**
Alternative 3 (avoid rock cut and wetlands)	0.0	- 0.30	0.0	- 0.30	**- 0.15**

The following section provides visual simulations from the Observer Viewpoints. These photographic simulations provide a clear picture of the visual impacts of the proposed alternatives.

First is Observer Viewpoint 1, the viewpoint with the highest average visual power or memorability, visual integrity of landscape and visual harmony when considered on the whole.

Observer Viewpoint 1 – From U.S. 395 looking westbound from near the eastern end of the project limits

Observer Viewpoint 1—Existing Condition

Observer Viewpoint 1 is considered to be of high baseline visual quality. From this viewpoint, the traveler has the best view of Devil's Gate, where the highway travels through a very tight pass framed by a rock outcropping on the right and the large predominantly rock mountain on the left. Observer Viewpoint 1 demonstrates why the vividness and memorability rating is high, since this view is unique and well known along the U.S. 395 corridor in Mono County. Changes made to the outcropping produce the most noticeable alterations to the visual character of the surrounding area. The visual intactness is high because there are no non-typical visual elements present. The unity rating is also high because the view and combination of natural elements maintain a coherent visual pattern. This location is a popular stop for passing photographers.

OV-1 Alternative 1 - Option A (Vertical)—Proposed Condition

The vividness would decrease. From this distance, the relationship between the rock and cluster of trees on the left would still be memorable, but the cutting-back of the rock formation away from the edge of the roadway and the unnatural vertical look of the rock face would take away from the uniqueness of the natural feature. The intactness would decrease slightly due to the engineered appearance of the cut rock face and its increased distance from the edge of pavement. The visual harmony of the view from this location would be slightly reduced because the rounded form of the cluster of trees and the changes in the form of the rock outcropping from rounded to vertical would affect the visual balance between the two objects.

Viewer Response

Alternative 1 Option A would result in visual impacts due to the introduction of the large, engineered slope-face and the increased viewing distance from the roadway to the rock. By cutting the rock vertically and constructing it somewhat closer to the roadway than the other two cut options, this option would retain some degree of the spatial characteristics of the existing rock formation. As a result, the visual impact ratings show that of the three options that cut into the formation, Option A would result in the least visual impact. Measures such as rock sculpting and staining, if implemented, would somewhat reduce the engineered, unnatural appearance of the excavated rock face. However, even with these measures, Alternative 1 Option A would result in substantial visual impacts.

OV-1 Alternative 1 - Option B (0.5 to 1)—Proposed Condition

Vividness would noticeably decrease because of the size of the rock cut that is visible from this distance. The angle of the proposed rock face would affect the relationship between the rounded cluster of trees and existing rounded rock formation, which contributes to the existing memorability at this location. The visual integrity would be affected by the excavation of the rock, which would create a flat engineered look on what is otherwise a natural landscape. The harmony between the curved stand of trees, mimicked across the roadway by the curved rock formation, would be negatively affected by the longer and flatter surface of the proposed cut.

Viewer Response

Alternative 1 Option B would also result in visual impacts to the site. Similar to Option A, the impacts would be caused by the large artificial cut slope face and the loss of spatial characteristics due to moving the rock face farther from the viewer. Option B would lay the cut face back slightly, which would also increase the visible surface area of the cut. In addition, laying the slope back would require a larger catchment area along its base, placing the cut somewhat farther from the road than Option A. As a result, Option B would cause incrementally greater visual impacts than Option A. Measures such as rock sculpting and staining, if implemented, would somewhat reduce the engineered appearance of the excavated rock face. However even with these measures, Alternative 1 Option B would result in substantial visual impacts.

OV-1 Alternative 1 - Option C (1.5 to 1)—Proposed Condition

The vividness would be most impacted by the magnitude of the proposed rock cut. From this viewing distance, the rock outcropping would be cut to an angle that would appear similar to a normal roadway cut slope, making it less memorable to passing travelers. The intactness would be noticeably reduced by the flattening of the rock slope, creating a large human-made form and texture visible in the natural landscape. The unity would be greatly decreased because the compositional makeup of the rock formation would no longer visually balance with the rounded cluster of trees and the other organic forms in the view.

Viewer Response

Alternative 1 Option C would result in the greatest amount of visual impacts of the proposed build alternatives. Because Option C would cut the rock slope back at a 1.5 to 1 angle, the visible area of the rock face would be larger than the other options. At this slope-angle, the spatial relationship between the road and the rock formation would be substantially altered. In addition, the lower slope angle would require an even greater catchment area at the base of the slope and an increased distance from the rock to the roadway. Measures such as rock sculpting and staining, if implemented, would somewhat reduce the unnatural appearance of the excavated rock face. However, even with these measures, Alternative 1 Option C would result in substantial visual impacts.

OV-1 Alternative 2 - Options A, B and C (Avoid Rock Cut and Aspen Trees)—Proposed Condition

The memorability would remain the same because the rock face and cluster of aspen trees at the base of the mountain would not be affected. The intactness would remain the same because roadside elements, including the cluster of trees and rock outcropping, would remain. There would be few unexpected built elements added to the visual experience. Unity would also remain the same. Current visual conditions include the cluster of trees on the left and rock formation on the right, which are fairly close to the edge of the road. As viewers head west toward the outcropping, memorability and intactness would remain generally the same because roadside elements, including the outcropping and cluster of aspen trees, would remain.

OV-1 Alternative 3 - (Avoid Rock Cut and Wetlands)—Proposed Condition

As seen from this somewhat distant viewpoint, the memorability would remain the same because the rock face would not be affected and the effect of the removal of trees closest to the roadway would be reduced by the remaining cluster of trees closer to the base of the mountain. Intactness would stay the same because roadside elements, including the cluster of trees and outcropping, would remain. There would be few unexpected built elements added to the visual experience. Unity would remain the same. The current visual conditions include the cluster of trees on the left and outcropping on the right, which are fairly close to the edge of the road. Removal of a few of these trees would not be noticeable from this viewing distance and angle; however, unity decreases as viewers head west toward the outcropping, where removal of some of the trees closest to the edge of pavement would alter the spatial composition of this view.

Summary

Alternative 2 and Alternative 3 would both avoid the formation by realigning the highway to the south. Each of these proposals would alter the existing visual environment to some degree. The ratings analysis shows that of these alternatives, and the various options for each, Alternative 2, Option A, B, or C, is optimal as it avoids the outcropping and the aspen grove entirely and would result in no potential visual impacts. Alternative 3 would remove some of the aspen trees along the eastbound roadside, which, along with the outcropping, are the main contributors to the high visual quality and character of the site. Visual changes would still occur with

Alternatives 3, due to the widened shoulders and slight road alignment, but these visual changes would be minor. The widened shoulders would be common to all of the alternatives and options, and would not appear out of place along the U.S. 395 corridor.

The project proposes one alternative (Alternative 1 – Options A, B and C) that would excavate the rock outcropping to expand shoulders. This alternative, with all of its options, would result in the greatest impact to the visual quality and character of the site. This would occur with the large, artificial cut slope face and the loss of spatial characteristics due to moving the outcropping farther from the viewer. The vertical cut would maintain some degree of the spatial characteristics of the existing rock formation, but Options B and C would cause incrementally greater visual impacts.

Avoidance, Minimization, and/or Mitigation Measures

The following measures would reduce the project's visual impact as seen from U.S. 395 and the surrounding area. The intent of these measures is to mitigate the effect of the unnatural, engineered appearance of the rock excavation and the loss of trees.

The following measures for visual impacts are applicable to all build alternatives and options:

- VR-1: Preserve as much existing vegetation as possible throughout the project. Use prescriptive clearing, grubbing and grading techniques which save the maximum amount of vegetation.
- VR-2: Disturbed areas within the projects limits not specifically designed as rockfall catchment areas or as recoverable surfaces should be graded to look as natural as possible. Roadside grading should include broad, random undulations, gently rounded transitions between adjacent slope faces and varied planar surfaces.

If Alternative 1 (Option A, B, or C) is the preferred alternative, the following measures are required in addition to VR-1 and VR-2:

- VR-3: Disturbed rock surfaces shall employ rock-sculpting in order to create textured slope-faces similar in appearance to the existing natural rock formation surfaces seen in the vicinity.
- VR-4: Following sculpting, disturbed rock surfaces shall be colored to reduce noticeability and to match the appearance of the weathered rock formations seen in the vicinity.
- VR-5: Sculpting and coloring shall be designed and approved in consultation with the District Landscape Architect.
- VR-6: During on-site rock excavation, the District Landscape Architect shall be present and provide recommendations to the Resident Engineer regarding approval of project aesthetics.

If Alternative 3 is the preferred alternative, the following measures are required in addition to VR-1 and VR-2:

- VR-7: Any trees removed shall be replaced at a type and ratio determined by a Caltrans Biologist and District Landscape Architect. Replacement trees should be planted as close to the area of impact as possible, considering safety standards.

2.1.2 Cultural Resources

Regulatory Setting

The term "cultural resources" as used in this document refers to all "built environment" resources (structures, bridges, railroads, water conveyance systems, etc.), culturally important resources, and archaeological resources (both prehistoric and historic), regardless of significance. Laws and regulations dealing with cultural resources are explained below.

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations 800).

On January 1, 2014, the *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Federal-Aid Highway Program in California*, went into effect for Caltrans' projects, both state and local, with Federal Highway Administration involvement. The Programmatic Agreement implements the Advisory Council's regulations, 36 Code of Federal Regulations 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans.

The Archaeological Resources Protection Act (ARPA) applies when a project may involve archaeological resources located on federal or tribal land. The Archaeological Resources Protection Act requires that a permit be obtained before any excavation of an archaeological resource on such land can take place.

Historical resources are considered under CEQA as well as California Public Resources Code Section 5024.1, which established the California Register of Historical Resources. Public Resources Code Section 5024 requires state agencies to identify and protect state-owned resources that meet National Register of Historic Places listing criteria. It further specifically requires Caltrans to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state

agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on, or are eligible for inclusion in, the National Register or are registered or eligible for registration as California Historical Landmarks.

Affected Environment

For purposes of this document (and consistent with cultural resource definitions), prehistoric archaeological sites are those with materials associated with Native Americans for whom there is no written record of their history. Historic archaeological sites are those with materials associated with post-European contact. The *Historic Properties Survey Report for the Aspen Fales Shoulder Widening Project* (2016) summarizes the results of two years of ethnographic, archaeological and built environment studies conducted within the Area of Potential Effect (APE).

The Area of Potential Effect includes both archaeological and architectural resources and encompasses all areas that will be directly and indirectly affected. The Area of Potential Effect is approximately 3 miles in length and ranges between 100 and 950 feet in width. The vertical Area of Potential Effect can be described as the depth of the ground disturbance and varies between the existing ground surface and approximately 2 feet deep, with a maximum depth of 8 feet for the culvert replacement at Hot Creek crossing. This depth does not include current fill elevations within the project area, which range from 3 to 5 feet high.

The following methods and studies are summarized in the Historic Properties Survey Report:

- A records search was initiated on July 14, 2014 at the Eastern Information Center (EIC) at the University of California, Riverside. The records search identified eight cultural resources within the study area.
- *Archaeological Survey Report for the Aspen Fales Shoulder Widening Project, Mono, County, California* (2015). This report summarizes the methods and results of the intensive pedestrian survey completed in August 2014. The study area included the current Caltrans right-of-way with a 250-foot buffer, where permitted. The survey resulted in the identification of 13 new cultural resources and two isolates, in addition to the eight resources previously identified.
- *Ethnographic Report for the Aspen Fales Shoulder Widening Project, Mono County, California* (2015). The purpose of this study was to identify and document potential traditional cultural properties or cultural landscapes within the project area, and it focused on consultation with Native American tribal members.
- *Extended Phase I and Phase II Archaeological Investigations for the Aspen Fales Shoulder Widening Project, Mono County, California* (2015). Extended Phase I and Phase II archaeological studies were completed in August and September 2015 to determine prehistoric archaeological site boundaries and evaluate whether seven prehistoric archaeological sites were eligible for the National Register of

Historic Places. Two of the seven cultural resources were determined eligible for the National Register of Historic Places under Criterion D.

- *Historical Resources Evaluation Report for the Aspen Fales Shoulder Widening Project, Mono County, California* (2016). In August 2015, a study was conducted to evaluate built-environment and historic-era resources within the Area of Potential Effect for this project. This study identified 10 historic-era and built environment cultural resources within the Area of Potential Effect, five of which were formally evaluated for the National Register of Historic Places. Of the five cultural resources evaluated during this study, four were found not eligible for the National Register of Historic Places, and one is considered eligible for the purposes of the project.

The Historic Properties Survey Report identified the following cultural resources within the project's Area of Potential Effect, for all proposed build alternatives:

- Two cultural resources were determined eligible for the National Register of Historic Places and consultation was done with State Historic Preservation Officer (please see Appendix F for the State Historic Preservation Officer's concurrence on determination of eligibility).
- Six cultural resources that are considered eligible for the National Register of Historic Places for the purpose of the project pursuant to Stipulation VIII.C.3 of the Programmatic Agreement and will be protected with establishment of an environmentally sensitive area (ESA).
- Two cultural resources are considered eligible for the National Register of Historic Places for the purpose of the project pursuant to Stipulation VIII.C.4 of the Programmatic Agreement because evaluation was not possible.
- Two cultural resources were found exempt pursuant to Stipulation VIII.C.1 and Attachment 4 of the Programmatic Agreement.
- Four cultural resources were determined not eligible for the National Register of Historic Places (see Appendix F for the State Historic Preservation Officer's concurrence on determination of eligibility).

The following cultural resources have been determined eligible for the National Register of Historic Places:

- P-26/002184 CA-MNO-2184/H is a site first recorded in 1986 as a large flake scatter and a collapsed rock shelter. The site was revisited in 2014. The current survey recorded an extensive prehistoric site with a large rock shelter, refuse heap and a possible collapsed rock shelter. There is also an historic-era refuse dump associated with Fales Hot Springs Resort's use from circa 1931 to the 1980s and an access road that connects the dump.
- P-26-005879/ CA-MNO-5941 is a site originally recorded in 2008 as a small lithic (stone) scatter consisting of seven obsidian flakes. The site was revisited in

2015 as part of the extended Phase I and Phase II studies. This site differs from other sites studied due to the volume of subsurface artifacts found in context, including a relatively high amount of stone flakes and two pieces of fire-affected rock, which contained identifiable starch grain residue, possibly indicating a cooking feature may be nearby. The site is eligible under Criterion D as a single-component deposit, which can contribute to regional research issues of upland land use during the Newberry Period.

The remaining cultural resources are considered eligible for the purposes of this project only and are described below:

- P-26-005906 is the Sonora and Mono Wagon Road, historically running approximately 54 miles long. Today, the road exists in only discontinuous and fragmented segments in Mono County. Caltrans, in accordance with Stipulation VIII.C.4 of the Section 106 Programmatic Agreement, is considering the Sonora and Mono Wagon Road as a single resource, eligible for the National Register of Historic Places for the purposes of this project only, under Criterion A, for its importance to the commercial development of Mono County from the Aurora and Bodie mining periods through the early automobile tourism era (1862-1931). Eight distinct segments of the road were assessed for integrity to determine if they would contribute to the significance of the resources as a whole, should the road ever be determined eligible for the National Register of Historic Places. Two segments (Segments AF 4 and AF 6) were found to have sufficient integrity to be contributing elements to the Sonora and Mono Wagon Road. Both are relatively long segments that retain integrity of location and a high degree of workmanship, design, materials, setting, feeling, and association.
- P-26-002213/CA-MNO-2113/H is both an historic and prehistoric site containing extensive scatter of obsidian, cryptocrystalline silicate debitage, tools and ground stone. Prehistoric artifacts noted during the current survey include a Rose Spring point base, a base to a stemmed dart point, a stage 3 bi-face end and about 500 obsidian flakes.
- P-26-005877/CA-MNO-5939 is a low-density flaked obsidian and ground stone scatter. The original study identified 15 obsidian flakes, two milling slab fragments, a hand stone fragment and an obsidian bi-face, all documented within the Caltrans right-of-way.
- P-26-005878/CA-MNO-5940 is a site originally recorded in 2008 as a sparse flaked stone scatter. The site was revisited, and records were updated in 2014 for this project. The 2014 site visit identified 35 obsidian flakes, most of which were found outside of the Caltrans right-of-way. No artifacts were found on the north side of the road.
- P-26-008105/CA-MNO-5882 is a site originally recorded in 2014 as a moderate-sized obsidian flaked stone scatter. The site was originally recorded within the study area, but outside the Area of Potential Effect for this project. The site was revisited in 2015 for the extended Phase I and Phase II studies for this project. There were no artifacts or tool-making materials noted within the Area of Direct

Impact during surface reconnaissance. The deposits within the Area of Direct Impact are mixed and have been highly disturbed by previous highway construction. This mixed deposit cannot be associated with a specific cultural period and cannot address regional research issues.

- P-26-008285/CA-MNO-5937 is a small flaked stone scatter. The site was recorded in August 2015 during the extended Phase I and II studies, as a scatter of obsidian flakes and a tabular igneous core within the Area of Direct Impact. These studies were carried out in the portion of the Area of Direct Impact that was within the Caltrans right-of-way.
- P-26-008108/CA-MNO-5885/H contains the remnants of the Fales Hot Springs Resort. The resort was in operation between 1860 and 1970. Thirteen features have been identified at this site, including a developed hot spring pool, ruins of two stone bathhouses, ruins of a 1962 bathhouse, a standing structure built in 1959 and used as a power plant, a large pit excavated for a swimming pool, a semi-subterranean stone basement, a remnant of the Sonora and Mono Wagon Road, a cabin built circa 1925, a café built in 1954, a septic tank, a collapsed wooden water tank, and a pipe system. A smattering of a few obsidian flakes and an obsidian projectile point midsection, all found in highly disturbed contexts, composes the prehistoric component of the site.

- P-26-008114 CA-MNO-5889H is a grove of aspen trees, containing four carvings related to Basque shepherding. Of the four arborglyphs, one tree identifies the Basque Lukumberry family, known for its Basque restaurant in Gardnerville; another tree appears to have more content but is in such poor condition that it could not be deciphered; the other two trees contain only initials and dates, indicating a date of 1973, post-dating Basque presence in the area.

The following sites were determined to be not eligible for the National Register of Historic Places, in consultation with the State Historic Preservation Officer (see Appendix F for the State Historic Preservation Officer's concurrence on determination of eligibility):

- P-26-008103 is a historic-era seasonal livestock camp consisting of five wood-framed, rural vernacular-style buildings (two cabins, two sheds, and possible outhouse) and associated corral with loading chute that appear to have been constructed circa 1930.

- P-26-008109/CA-MNO-5886H consists of an irrigation ditch that is roughly 4,870 feet long. It tapped Hot Spring (Fales) Creek and contoured the hill roughly 10 feet above U.S. 395, carrying water to agricultural lands to the west. The ditch was likely built during the 1880s to irrigate grazing lands and grazing fields. This system still carried water in 1953 but is currently abandoned. It is not known when the irrigation ditch was abandoned.

- P-26-08111/CA-MNO-5888H consists of an irrigation ditch roughly 3,000 feet long that tapped Hot Creek and lies at an elevation of approximately 7,205-7,229

feet above mean sea level. It carried water to agricultural or grazing lands to the west. The ditch was likely built during the 1880s to irrigate grazing lands or grain fields. It appears to have been modified in 1931 when the new highway cut off its access to Hot Creek.

- P-26-008286/CA-MNO-5938 consists of a small stack of granitic cobbles in a small alcove on the eastern side of the rock outcrop that is part of the Devil's Gate landform. The feature consists of 12 placed granitic cobbles and small boulders, ranging in size from 5.91 inches to 31.52 inches in diameter, with the larger rocks supporting the stack. This site lacks any other associated artifacts to indicate whether the site is of prehistoric or historic age and is unable to address any research issues.

In accordance with Section 106 Programmatic Agreement Stipulation X, Caltrans initiated consultation with the California State Historic Preservation Officer on April 22, 2016 and received concurrence on National Register of Historic Places eligibility determinations on August 8, 2016. Caltrans initiated consultation with the State Historic Preservation Officer on effects to the properties on August 29, 2016 and received State Historic Preservation Officer concurrence on the Adverse Effect finding on September 27, 2016 (see Appendix I). Caltrans is continuing consultation with the Cultural Studies Office and State Historic Preservation Officer regarding mitigation.

If additional cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to California Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission, which will then notify the Most Likely Descendent (MLD). At this time, the person who discovers the remains will contact Stacey Zolnoski, District 9 Environmental Archaeologist, so that she may work with the Most Likely Descendent on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

Environmental Consequences

All three build alternatives (including Options A, B and C for Alternatives 1 and 2) have the potential to affect historic properties, with at least one property—P-26-005879—being adversely affected. Caltrans submitted a finding of adverse effect to the State Historic Preservation Officer on August 29, 2016 and received State Historic Preservation Officer concurrence on the adverse effect finding on September 27, 2016. Although Caltrans has reduced overall effects to historic properties, the

project overall will have an adverse effect, which will be resolved by entering into a project-level Memorandum of Agreement.

There will be no adverse effect to P-26-002184, -2213, -5877, 8108 and -8114, as adverse effects to these properties will be avoided through the establishment of Environmentally Sensitive Areas (see Table 2.5 in the Avoidance, Minimization and/or Mitigation Measures section).

Although P-26-008105 and -5878 are considered eligible for the project, the portions of these sites within the Area of Potential Effect's area of direct impact were tested during Phase II archaeological studies and it was determined that these portions of the sites do not contribute to each site's eligibility as a whole. Effects to each site's deposits within the Area of Direct Impact will not alter the characteristics that might make the sites eligible for listing on the National Register of Historic Places under Criterion D, and therefore the effects to these properties will not be adverse. The remainder of these sites will be protected with the establishment of Environmentally Sensitive Areas.

Similarly, segments AF1, AF2, AF3, AF5 and C of the Sonoma and Mono Wagon Road (P-26-005906) have been largely reclaimed by nature and do not retain sufficient integrity to convey significance, and thus would not contribute to the eligibility of the resource as a whole. Effects to portions of these segments that lie within the area of direct impact will not alter the characteristics that might make the sites eligible for listing on the National Register of Historic Places under Criterion A, and therefore the effects to this property will not be adverse.

Due to access issues, Caltrans is considering one resource—P-26-008285—eligible for listing on the National Register of Historic Places for the purposes of the project. Caltrans is proposing to phase the identification, evaluation and assessment of effects to P-26-008285 in accordance with Stipulation XII of the Programmatic Agreement and will conduct additional studies after an alternative is selected if there is potential for the resource to be adversely affected. The selected alternative will not adversely affect P-26-008285. This resource will be completely protected with Environmentally Sensitive Area fencing.

Table 2.3 shows the properties that may be affected by each alternative option.

Table 2.3 Properties that May be Adversely Affected by Each Alternative

Alternatives 1A, 1B and 1C	Alternatives 2A, 2B and 2C	Alternative 3
P-26-005878/CA-MNO-5940 P-26-008285/CA-MNO-5937	P-26-005878/CA-MNO-5940	P-26-005878/CA-MNO-5940

Table 2.4 shows effects for each cultural resource.

Table 2.4 Effects for Each Cultural Resource

Site Number	Description	Eligibility Status	Effect
P-26-005878/CA-MNO-5940	Lithic scatter	Considered eligible for project	No adverse effect
P-26-005879/CA-MNO-5941	Lithic scatter	Eligible under Criterion D	Adverse effect
P-26-005906/Sonora and Mono Wagon Road	Historic-era wagon road	Considered eligible for the project	No adverse effect
P-26-008105/CA-MNO-5882	Lithic scatter	Considered eligible for project	No adverse effect
P-26-008285/CA-MNO-5937	Lithic scatter	Considered eligible for project	No adverse effect

The following results can be used to compare potential site impacts for each project alternative:

- Alternative 1 (Options A, B and C) has the potential to affect five historic properties, two of which have the potential to be adversely affected.
- Alternative 2 (Options A, B and C) has the potential to affect four historic properties, one of which has the potential to be adversely affected.
- Alternative 3 has the potential to affect four historic properties, one of which has the potential to be adversely affected.

The potential for adverse effects on historic properties is assessed in accordance with the definition for the criteria of adverse effect, as outlined in 36 Code of Federal Regulations 800.5(a)(1): An adverse effect is found when the project may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Regardless of which alternative is selected, the project would be unable to avoid adverse effects to historic properties. Therefore, Caltrans has determined that the project would have an adverse effect on historic properties. The nature of the adverse effects would include the physical destruction of or damage to portions of significant cultural resources. The effect would be the direct result of construction activity ranging from surface scraping and preparation, throughout the Area of Potential Effect, to deep cuts. Where construction is conducted above grade, resources may be subject to burial under fill.

The project will have *de minimis* impact to eight Section 4(f) resources—the Sonora and Mono Wagon Road (P-26-005906) and seven archaeological sites (P-26-002213, P-26-005877, P-26-005878, P-26-008105, P-26-008108, P-26-008285, P-26-008114) assumed to be eligible for the National Register of Historic Places, for the purposes of the project only by implementing the avoidance, minimization, and mitigation measures described below. The remaining three resources (P-26-005878, P-26-005879, P-26-008105) within the project area, which have the potential to be

adversely affected, do not warrant preservation in place because these sites appear to be important chiefly for what can be learned through data recovery and are therefore exempt from evaluation under Section 4(f) of the Department of Transportation Act. On August 29, 2016, Caltrans notified the State Historic Preservation Officer (SHPO) about its intent to make a *de minimis* impact determination, under Section 4(f) of the Department of Transportation Act, and requested comments and concurrence from the SHPO (see *Appendix I-Finding of Effect*). On September 27, 2016, the SHPO sent a letter to Caltrans concurring that the proposed undertaking would have an adverse effect on one historic property (P-26-005879) that was determined to be exempt from protection under Section 4(f). The SHPO's September 27 letter also concurred that the project would not result in an adverse effect to any other historic properties.

Caltrans continued consultation with the State Historic Preservation Officer to resolve adverse effects to site P-26-005879 through the implementation of a Memorandum of Agreement (MOA) and Data Recovery Plan. Caltrans and the State Historic Preservation Officer formalized their agreement to the MOA on April 24, 2017 (see *Appendix G-MOA between State Historic Preservation Officer and Caltrans*).

Avoidance, Minimization, and/or Mitigation Measures

Caltrans design staff continue to work diligently with cultural resources staff, agencies, various tribal communities and any other stakeholders to ensure every effort has been made to avoid and minimize impacts to the 10 historic properties within the Area of Potential Effect (see Table 2.5).

Table 2.5 Cultural Sites that Could be Affected by the Project

Site Number	Site Description	National Register of Historic Places Eligibility	Avoidance, Minimization, and Mitigation
P-26-002184/ CA-MNO-2184/H	Multi-component archaeological site	Eligible under Criterion D	Completely avoid with Environmentally Sensitive Area, monitoring
P-26-002213/ CA-MNO-2113/H	Multi-component archaeological site	Considered eligible for project	Completely avoid with Environmentally Sensitive Area
P-26-005877/ CA-MNO-5939	Lithic scatter	Considered eligible for project	Completely avoid with Environmentally Sensitive Area
P-26-005878/ CA-MNO-5940	Lithic scatter	Considered eligible for project	Minimize impacts with Environmentally Sensitive Area
P-26-005879/ CA-MNO-5941	Lithic scatter	Eligible under Criterion D	Minimize impacts with Environmentally Sensitive Area, Memorandum of Agreement and Data Recovery Plan, monitoring
P-26-005906/ Sonora and	Historic Wagon Road	Considered eligible for project	Minimize impacts by avoiding segments that contribute to the

Mono Wagon Road			eligibility of the resource as a whole
P-26-008105/ CA-MNO-5882	Lithic scatter	Considered eligible for project	Minimize impacts with Environmentally Sensitive Area
P-26-008108/ CA-MNO-5885/H	Fales Hot Springs Resort	Considered eligible for project	Completely avoid with Environmentally Sensitive Area
P-26-008285/ CA-MNO-5937	Lithic scatter	Considered eligible for project	Completely avoid with Environmentally Sensitive Area
P-26-008114/ CA-MNO-5889H	Basque arborglyphs	Considered eligible for project	All arborglyphs will be avoided with Environmentally Sensitive Area

All of the project build alternatives would also incorporate the following measures to minimize harm to cultural resources:

- CR-1: A Memorandum of Agreement has been developed in consultation with the State Historic Preservation Officer to resolve adverse effects to historic property P-26-005879. An Environmentally Sensitive Area Action Plan (an attachment of the Memorandum of Agreement) will be implemented to avoid and minimize impacts to the remaining historic properties.
- CR-2: A Data Recovery Plan will be developed to mitigate impacts to historic property P-26-005879.

2.2 Biological Environment

2.2.1 Natural Communities

This section of the document discusses natural communities of concern. The focus of this section is on biological communities, not individual plant or animal species. Riparian habitat occurs within the biological study area (BSA) and would be impacted. This section also includes information on wildlife corridors and habitat fragmentation as they affect migratory deer near the proposed project area.

Impacts to wetlands and Waters of the U.S. (WOUS) are discussed in section 2.2.2, while impacts to special plant species are discussed in section 2.2.3.

Affected Environment

This section of the environmental document focuses on the issues covered in section 4.1 of the Natural Environment Study (NES, 2016).

Riparian habitat occurs within the biological study area along drainages and near wetlands. Dominant woody species include willow shrubs. A quaking aspen grove on the south side of the highway across from the outcropping will be impacted under all of the build alternatives.

Wildlife corridors are areas of habitat used by deer for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value. Mule deer may migrate through and forage in areas next to the existing highway where the shoulder widening would occur and where new right-of-way is acquired. The West Walker deer herd, specifically, may use this area during migration.

Environmental Consequences

Permanent impacts would occur throughout the proposed project to riparian vegetation during shoulder widening and other project-related construction. The following activities that constitute permanent impacts to riparian vegetation may include, but are not limited to, locations where: equipment vehicles may drive during construction, vegetation trimming may occur, and best management practices may be placed to protect water resources.

After discussions with the California Department of Fish and Wildlife in 2015, Caltrans does not anticipate that actions of the proposed project would threaten the existing West Walker deer herd during migration or after project construction.

Table 2.6 shows estimates of the impacts to riparian habitat.

Table 2.6 Calculated Estimates for Impacts to Riparian Habitat for Each Project Alternative

Project Alternative	Maximum Temporary Impact Area (Acre)	Maximum Permanent Impact Area (Acre)	Total Maximum Impact Area to Riparian Habitat (Acre)
1(A)(B)(C)	0.15	0.14	0.29
2A	0.26	0.18	0.44
2B	0.12	0.14	0.26
2C	0.13	0.13	0.26
3	0.12	0.22	0.34
No-Build	0	0	0

After the entire biological study area was assessed, a collaborative determination was made between biologists at Caltrans and the California Department of Fish and Wildlife about impacts to deer. Temporary impacts to areas where mule deer may migrate through and forage would occur in locations next to the existing highway where the shoulder widening will occur and where new right-of-way is acquired.

Avoidance, Minimization, and/or Mitigation Measures

The following measures would be taken to protect migratory animals and riparian habitat:

- RHR-1: Environmentally Sensitive Area (ESA) fencing will be installed to protect riparian habitat that occurs outside of the Project Impact Area (PIA).
- WPC-1: Implementation of water pollution control best management practices (BMPs) will occur prior to and during construction.

2.2.2 Wetlands and Other Waters

Regulatory Setting

Wetlands and other waters are protected under numerous laws and regulations. At the federal level, the Federal Water Pollution Control Act, more commonly referred to as the Clean Water Act (33 U.S. Code 1344), is the main law regulating wetlands and surface waters. One purpose of the Clean Water Act is to regulate the discharge of dredged or fill material into Waters of the U.S., including wetlands. Waters of the U.S. (WOUS) include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the Clean Water Act, a three-parameter approach is used that includes the presence of: hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

Section 404 of the Clean Water Act establishes a regulatory program that provides that discharge of dredged or fill material cannot be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (USACE) with oversight by the U.S. Environmental Protection Agency (U.S. EPA).

The U.S. Army Corps of Engineers issues two types of 404 permits: General and Standard permits. There are two types of General permits: Regional permits and Nationwide permits. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Nationwide Permit may be permitted under one of the U.S. Army Corps of Engineers' Standard permits. There are two types of Standard permits: Individual permits and Letters of Permission. For Standard permits, the U.S. Army Corps of Engineers' decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (U.S. EPA 40 Code of Federal Regulations Part 230), and whether permit approval is in the public interest. The 404 (b)(1) Guidelines were developed by the U.S. EPA in conjunction with the U.S. Army Corps of Engineers and allow the discharge of dredged or fill material into the aquatic system (Waters of the U.S.) only if there is no practicable alternative that would have less adverse effects. The guidelines state that the U.S. Army Corps of Engineers may not issue a permit if there is a least environmentally damaging

practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on Waters of the U.S., and not have any other significant adverse environmental consequences.

The Executive Order for the Protection of Wetlands (Executive Order 11990) also regulates the activities of federal agencies with regard to wetlands. This order states that a federal agency, such as the Federal Highway Administration and/or Caltrans, as assigned, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

At the state level, wetlands and waters are regulated mostly by the State Water Resources Control Board, the Regional Water Quality Control Boards and California Department of Fish and Wildlife. In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission or the Tahoe Regional Planning Agency) may also be involved.

Sections 1600-1607 of the California Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the California Department of Fish and Wildlife before beginning construction. If the California Department of Fish and Wildlife determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. California Department of Fish and Wildlife jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the U.S. Army Corps of Engineers may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife.

The Regional Water Quality Control Boards were established under the Porter-Cologne Water Quality Control Act to oversee water quality. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the Clean Water Act. In compliance with Section 401 of the Clean Water Act, the Regional Water Quality Control Boards also issue water quality certifications for activities that may result in a discharge to Waters of the U.S. This is most frequently required in tandem with a Section 404 permit request. See the Water Quality section for more details.

Affected Environment

A Wetland Delineation Report was prepared for the project in January 2016. Coordination with the U.S. Army Corps of Engineers is discussed in Chapter 4. A total of 1.82 acres of wetlands and waters were delineated on the project site. Given the proximity of the ditches, streams and wetlands to Hot Creek and other U.S. Geological Survey blue line drainages, all of the features delineated on the project site

could fall within the jurisdictional purview of the U.S. Army Corps of Engineers. These water features would also be regulated by the Lahontan Regional Water Quality Control Board, which claims jurisdiction of all surface waters in accordance with the Porter-Cologne Act. These water features of any associated bank-to-bank or riparian habitats would also be regulated by the California Department of Fish and Wildlife (Wetland Delineation Report, 46, January 2016).

The existing project area is a combination of private ownership and Toiyabe National Forest lands, all of which are undeveloped and in a remote and rural area of Mono County. There is little disturbance to the natural environment aside from the presence of the highway and maintenance activities on the facility.

There are three wetland and water features that occur within the biological study area: wetland meadow, streams, and ditches. As described in *Delineation of Wetlands and Waters of the United States* (2016), the wetland meadows found within the biological study area are categorized as freshwater emergent wetlands, streams as naturally occurring drainages, artificially created ditches, and trenches that are maintained along highway shoulders.

Environmental Consequences

Wetlands next to the existing highway and highway shoulders would be permanently impacted by the proposed project during construction for shoulder widening and possible highway realignment in limited locations.

The project would have both permanent and temporary impacts to wetlands. The following activities constitute permanent construction impacts to wetlands: new grading, porous ground being paved over with asphalt concrete, extension of culvert systems, and placement of rock slope protection or concrete headwalls.

Temporary impacts would occur throughout the proposed project to wetlands and Waters of the U.S. during shoulder widening and other project-related construction. Activities that constitute temporary impacts may include, but are not limited to, locations where equipment vehicles may drive during construction, vegetation trimming may occur, and best management practices may be placed to protect water resources.

The following figures show the affected waters and wetlands for the entire project area.

Figure 2-2a Wetlands and Waters of the U.S. on the Aspen Fales Project

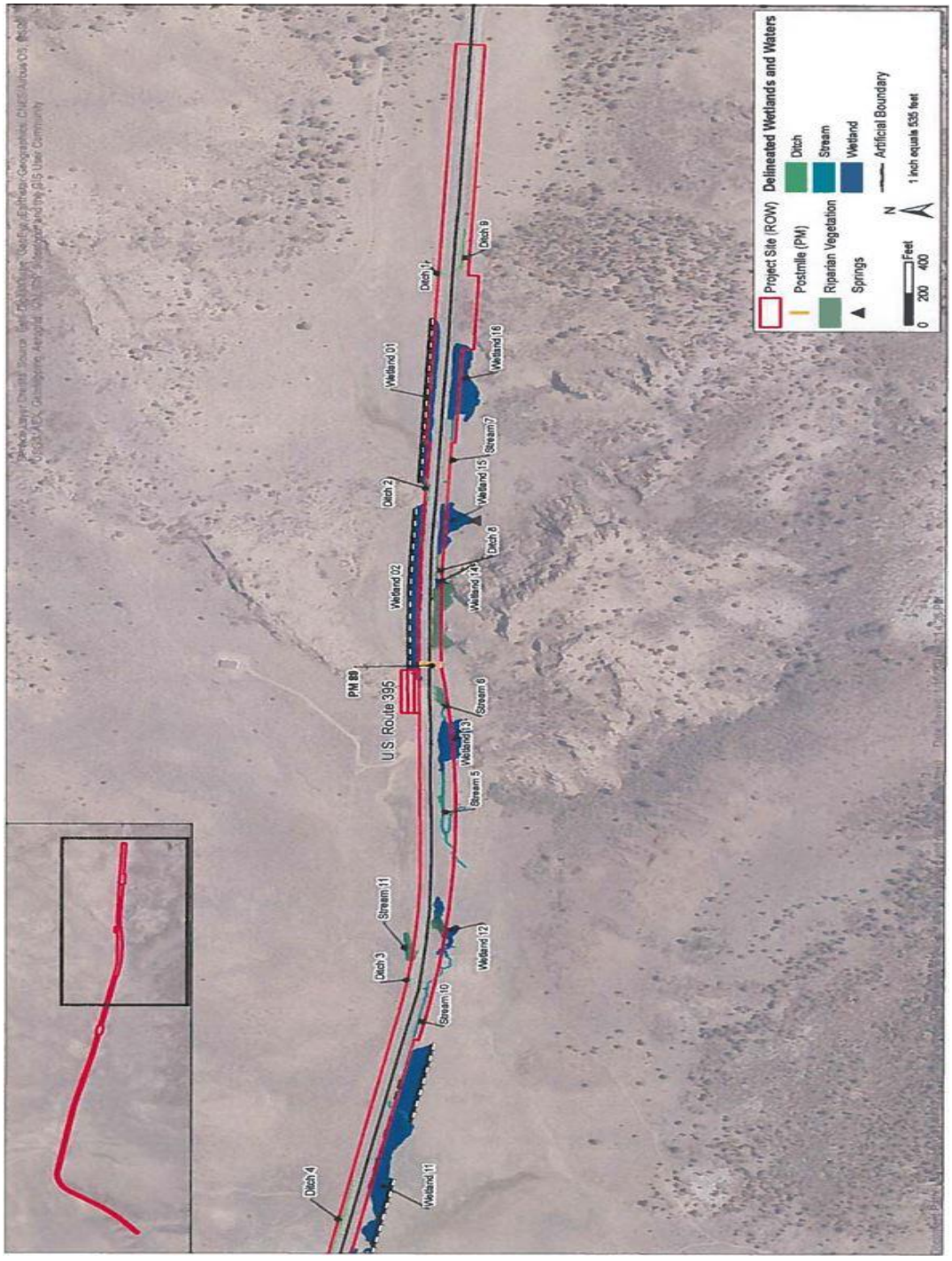


Figure 2-2b Wetlands and Waters of the U.S. on the Aspen Fales Project

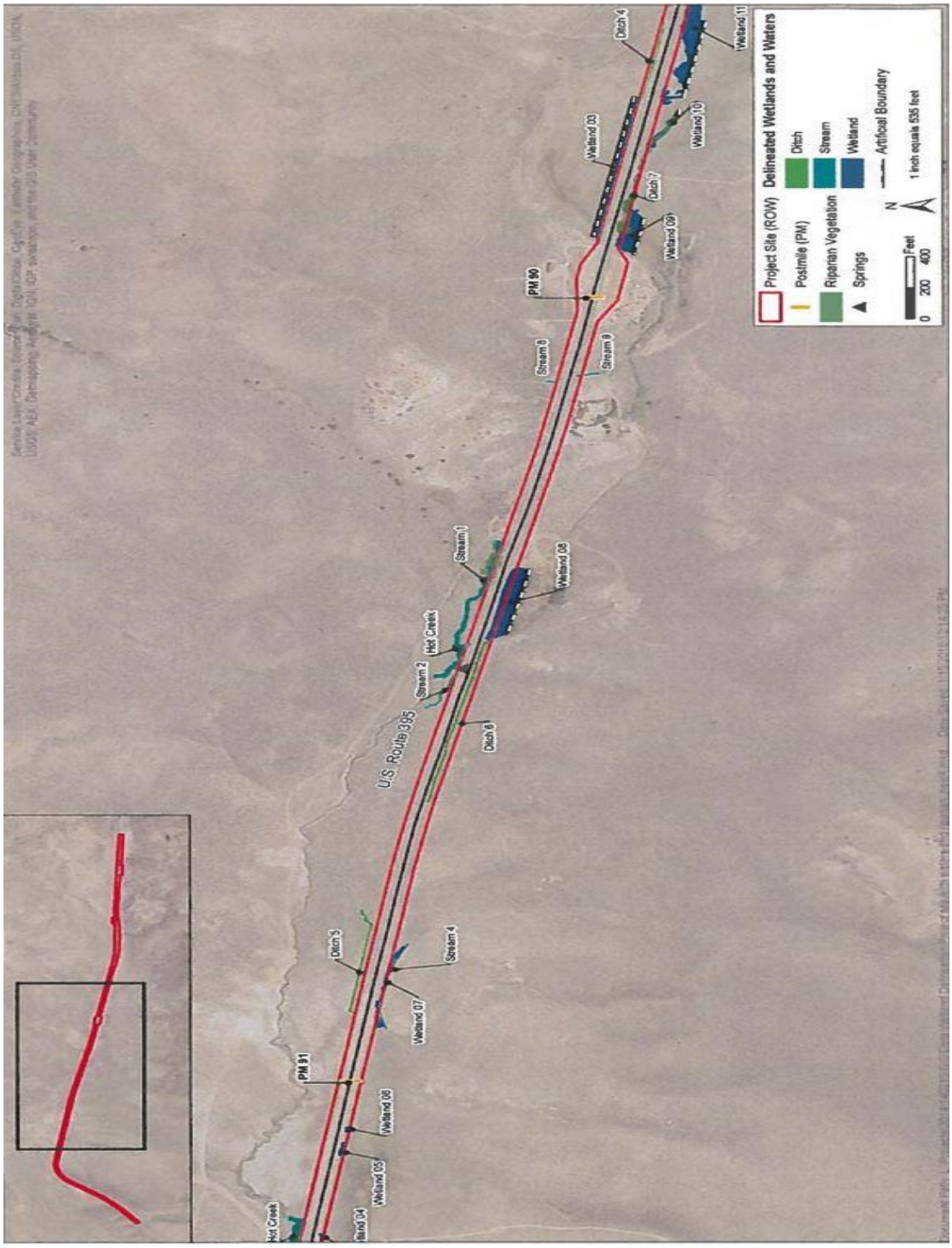


Figure 2-2c Wetlands and Waters of the U.S. on the Aspen Fales Project

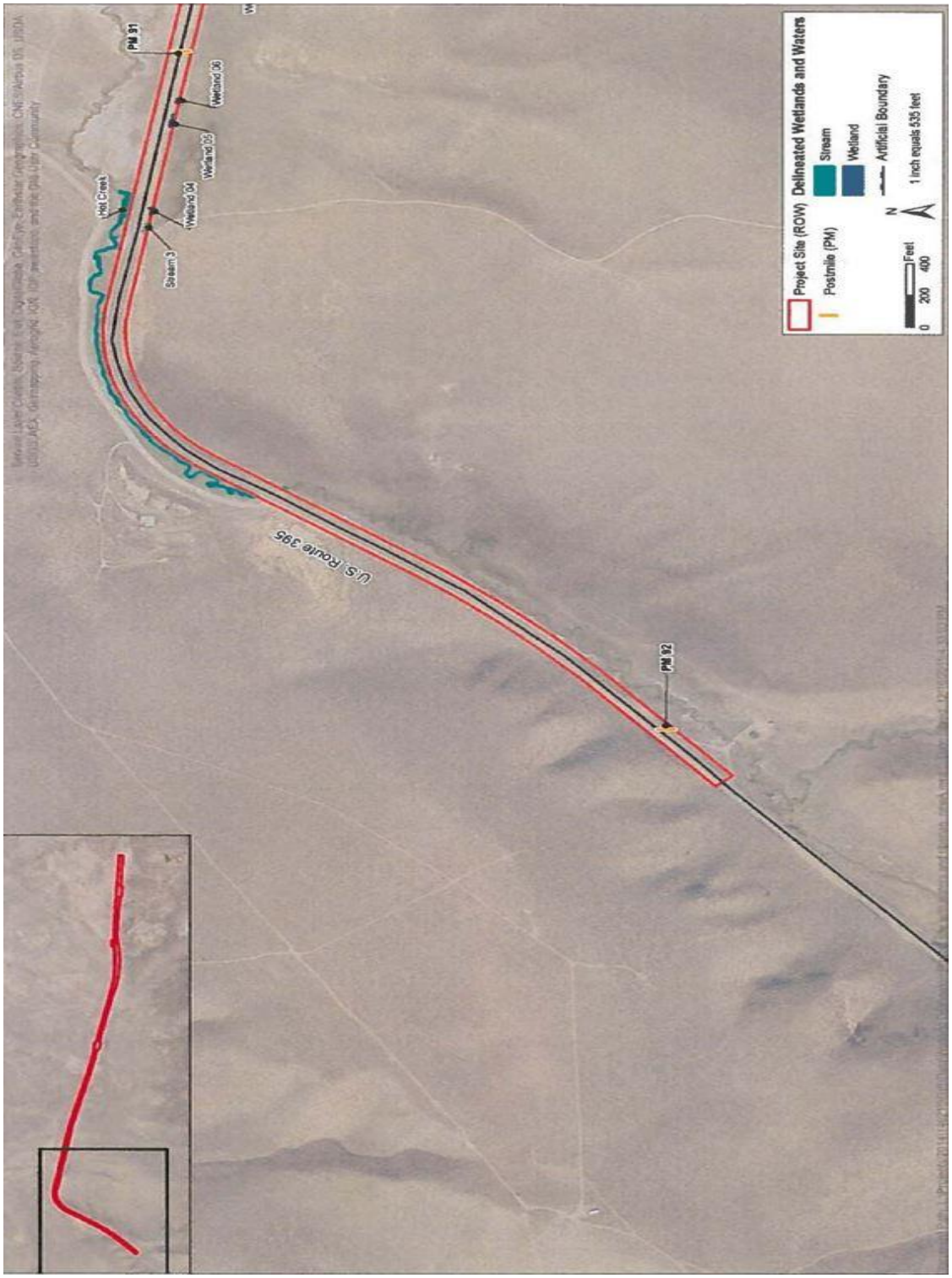


Table 2.7 shows estimates for impacts on wetlands and other Waters of the U.S. for the project:

Table 2.7 Estimates for Impacts to Wetlands & other Waters of the U.S.

Project Alternative	Maximum Temporary Impact Area (Acre)	Maximum Permanent Impact Area (Acre)	Total Maximum Impact Area to Wetlands and WOUS (Acre)
1(A)(B)(C)	0.42	0.19	0.62
2A	0.68	0.37	1.05
2B	0.44	0.21	0.66
2C	0.45	0.19	0.64
3	0.43	0.21	0.64
No-Build	0	0	0

Alternative 1 avoids realignment of the highway by excavating the outcropping and only impacting wetlands where the current highway shoulders would be widened. The total combined impact to wetlands under Alternative 1 is roughly 0.62 acre.

Alternative 2 would realign the existing highway to avoid the outcropping at post mile 89.1. This alternative would impact between 0.64 acre and 1.05 acres of wetlands.

Alternative 3 would also create a new alignment with a new curve and tangent to avoid the outcropping at post mile 89.1. This alternative would impact approximately 0.64 acre of wetlands.

A Jurisdictional Determination will be submitted prior to obtaining the required permits. A Section 404 Nationwide Permit, or Individual Permit, may be required as well as a Lahontan Regional Water Quality Control Board 401 Certification and a 1600 Streambed Alteration Agreement.

The least environmentally damaging practicable alternative (LEDPA) is Alternative 2 Option B. The LEDPA was determined by balancing biological impacts with other environmental factors, including visual and archaeological resources. Alternative 2 Option B would effect a comparable area of wetlands as the other alternatives. It is also among the least impactful to riparian habitat (aspen trees). Archaeological resources can be avoided with this option. In addition, the most environmentally impactful alternative, Alternative 1, is avoided. Because Alternative 2 Option B avoids the need for excavation of the rock outcropping, it means that the most visually impactful environmental alternative has been avoided.

Correspondence was made with the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and California Department of Fish and Wildlife regarding impacts to wetlands, Waters of the U.S. and riparian habitat

(personal communications in 2014 and 2015). Formal wetland delineations were performed, and a wetland delineation report was prepared in 2016 in accordance with U.S. Army Corps of Engineers regulations. Calculations of impacts to wetlands and Waters of the U.S. were made; the appropriate permit type would be determined based on the selected alternative.

Avoidance, Minimization, and/or Mitigation Measures

Mitigation for permanent impacts is potentially available on California Department of Fish and Wildlife-owned and -managed lands. Coordination with permitting agencies, including the U.S. Army Corps of Engineers, will occur to determine the most appropriate and available location for mitigation to occur.

Mitigation for wetland and riparian impacts would aim to restore habitats and watershed resources within the same watershed. The natural communities that exist within the biological study area can be described as being in a sustainable state given past, present, and reasonably foreseeable actions.

Caltrans would take measures to avoid and minimize the effects of temporary impacts, including the following:

- WR-1: Installation of Environmentally Sensitive Area (ESA) fencing to avoid and protect wetlands and Waters of the U.S. during construction.

Caltrans is also required to mitigate the permanent impacts of the proposed project. This mitigation for permanent impacts to wetlands and Waters of the U.S. within the project impact area would be in the form of permanent conservation easements through the purchase of credits at a mitigation bank or in-lieu fee program, as follows:

- WR-2: Compensatory mitigation will be conducted within the same watershed that project impacts will occur. Mitigation acreage will be replaced at a minimum ratio of 1.5:1 (1.5 compensation acres for each impacted acre). The California Wildlife Conservation Board purchased roughly 1,000 acres within Pickel Meadow. Other California Department of Fish and Wildlife lands include the Burcham Wheeler Wildlife Area, where there may be mitigation opportunities for riparian habitat restoration. Both Pickel Meadow and Burcham Wheeler Wildlife Area are near the proposed project and within the same watershed. Impacts to riparian vegetation will be incorporated into the same compensatory mitigation ratios and sites that will be used for impacts to wetlands and Waters of the U.S. Caltrans is pursuing an agreement with the California Department of Fish and Wildlife and U.S. Army Corps of Engineers to use State lands for compensatory mitigation. If this turns out to not be feasible, an in-lieu fee will be paid to meet mitigation commitments. Furthermore, these measures will be made in cooperation with the California Department of Fish and Wildlife, U.S. Army Corps of Engineers and the Lahontan Regional Water Quality Control Board.

2.2.3 Plant Species

Regulatory Setting

The U.S. Fish and Wildlife Service and California Department of Fish and Wildlife have regulatory responsibility for the protection of special-status plant species. Special-status species are selected for protection because they are rare and/or subject to population and habitat declines. "Special-status" is a general term for species that are provided varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA). It has been determined that none of the federally endangered species or species of special concern will be affected by any of the proposed project alternatives. See the Threatened and Endangered Species section (5.1) of the Natural Environment Study (April, 2016) for information about these species.

This section of the document discusses all the other special-status plant species, including California Department of Fish and Wildlife species of special concern, U.S. Fish and Wildlife Service candidate species, and California Native Plant Society (CNPS) rare and endangered plants.

The regulatory requirements for the Federal Endangered Species Act can be found at 16 U.S. Code Section 1531, et seq. See also 50 Code of Federal Regulations Part 402. The regulatory requirements for the California Endangered Species Act can be found at California Fish and Game Code, Section 2050, et seq. Caltrans projects are also subject to the Native Plant Protection Act, found at Fish and Game Code, Section 1900-1913, and CEQA, California Public Resources Code, Sections 2100-21177.

Affected Environment

A Natural Environment Study for this project was completed in April 2016 and included the findings of formal botanical surveys completed from June through August 2014. Botanical surveys were designed to maximize the potential for observing sensitive species by timing surveys to coincide with peak flowering periods. All plant species in bloom, or otherwise recognizable, were identified to a level necessary to determine their regulatory status. Botanical surveys were conducted per the following protocols:

- California Department of Fish and Wildlife. 2009 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities.
- California Native Plant Society. 2001 California Native Plant Society Botanical Survey Guidelines.
- U.S. Fish and Wildlife Service. 2000 Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants.

The vegetation communities within the biological study area were assessed using *Holland Classification* (California Gap Analysis Project 2012), *Delineation of Wetlands and Waters of the United States* (Quad Knopf 2016), *Sierra East* (Smith 2000), and *A Guide to Wildlife Habitats of California* (Laudenslayer and Mayer 1988). In general, the vegetation community within the biological study area is sagebrush scrub, defined as a community in the high desert with soft woody, gray-green low shrubs. This community is widely distributed and occurs near the base of the Sierra on lower slopes and moraines, and on low- to mid-elevation slopes of mountain ranges to the east. On the high ridges of the Sierra, and on other mountains to the east, it occurs in a dwarf form. This community usually joins with pinyon-juniper woodland.

This section of the document discusses species that were found to occur in the project area during one or more surveys, or have the potential to occur in the project area, given the presence of habitat that exists in the project impact area. These species are included in California Department of Fish and Wildlife's "species of special concern," U.S. Fish and Wildlife Service's "sensitive species," and California Native Plant Society "rare, threatened or endangered plants."

The sensitive status plant species supported by habitat within the biological study area and documented during botanical surveys was the cut-leaf checkerbloom (*Sidalcea multifida).* The cut-leaf checkerbloom is a native perennial herb found in Great Basin scrub, yellow pine forest, lower montane coniferous forests, meadows and seeps, and pinyon and juniper woodland vegetation communities. The blooming period is between May and September. Fiddleleaf hawksbeard (*Crepis runcinata*) was also observed during botanical surveys, but is not rare; however, Hall's meadow hawksbeard (*Crepis runcinata ssp. hallii*), a rare subspecies of fiddleleaf hawksbeard in the daisy family, *may* be present. Hall's meadow hawksbeard is a perennial herb that grows in alkaline soils, Mojavean desert scrub, and pinyon and juniper woodland communities. Its blooming period is May through July.

In addition to those species, there are also species that would be supported by the habitat and have the potential to occur. It should be noted that although suitable habitat may occur within the biological study area, these species were not observed in botanical surveys conducted during the blooming season of 2014. These species include alkali tansy-sage (*Sphaeromeria potentilloides var*), American Mannagrass (*Glyceria grandis*), Blandow's bog moss (*Helodium blandowii*), the Bodie Hills cusickiella (*Cusickiella quadricostata*), the Bodie Hills rockcress (*Boechera bodiensis*), the bog sandwort (*Minuartia stricta*), the broad-keeled milk-vetch (*Astragalus platytropis*), the canescent draba (*Draba cana*), Dedecker's clover (*Trifolium dedeckerae)*, Fell-fields claytonia (*Claytonia megarhiza*), golden violet (*Viola purpurea ssp. aurea*), the Great Basin onion (*Allium atrorubens var. atrorubens*), intermontane lupine (*Lupinus pusillus var. intermontanus*), Inyo County star-tulip (*Calochortus excavates*), Lavin's milk vetch (*Astragalus oophorus var. lavinii*), marsh arrow-grass (*Triglochin palustris*), Masonic Mountain jewel-flower (*Streptanthus oliganthus*), Masonic rockcress (*Boechera cobrensis*), Mono County

phacelia (*Phacelia monoensis*), mountain bent grass (*Agrostis humilis*), Oregon campion (*Silene oregano*), prairie wedge grass (*Sphenopholis obtusata*), sagebrush bluebells (*Mertensia oblongifolia var. oblongifolia*), seep kobresia (*Kobresia myosuroides*), smooth saltbush (*Atriplex pusilla*), Spjut's bristle moss (*Orthotrichum spjutii*), starved daisy (*Erigeron miser*), Torrey's blazing star (*Mentzelia torreyi*), western sedge (*Carex occidentalis*) and western valley sedge (*Carex vallicola*).

Environmental Consequences

Two plant species would be affected by temporary construction impacts: the cut-leaf checkerbloom and the Hall's meadow hawksbeard.

The cut-leaf checkerbloom is on a listing status with the California Native Plant Society and is rated 2B.3-rare, threatened, or endangered in California, but more common elsewhere; it is not very threatened in California. This species is subject to protection under CEQA. Botanical surveys, conducted in the existing Caltrans right-of-way and in the right-of-way that would be acquired, found both the cut-leaf checkerbloom and fiddleleaf hawksbeard. Cut-leaf checkerbloom plants were observed within the project impact area, while the fiddleleaf hawksbeard was observed outside the project impact area. Coordinates for both species were recorded. Impacts to the cut-leaf checkerbloom are expected to occur during construction activities.

Hall's meadow hawksbeard is on a listing status with the California Native Plant Society and is rated 2B.1-rare, threatened, or endangered in California, but more common elsewhere. Although the fiddleleaf hawksbeard (*Crepis runcinata*) was observed outside the project impact area, it was not confirmed if the rare subspecies, Hall's meadow hawksbeard (*Crepis runcinata ssp. hallii*), is present. It is not anticipated that that Hall's meadow hawksbeard would be impacted by the proposed project (see section 4.2.2 of the Natural Environment Study, discussion of fiddleleaf hawksbeard). Focused surveys for the cut-leaf checkerbloom will be conducted before construction activities to confirm the presence within the project impact area and to document the anticipated impact areas, in relation to the proposed project. Focused preconstruction surveys will be performed to determine if the rare subspecies, Hall's meadow hawksbeard, is present within the project impact area.

Avoidance, Minimization, and/or Mitigation Measures

All necessary minimization measures would be implemented in accordance with CEQA and California Department of Fish and Wildlife regulations. Collaboration with the California Department of Fish and Wildlife would occur to determine the avoidance and minimization measures recommended for impacts to the cut-leaf checkerbloom. Such measures may involve the following:

- PS-1: Transplanting individual plants and/or hand-collecting seeds to spread in selected locations outside the project impact area.
- PS-2: Re-surveying and mapping exact plant locations prior to start of construction.

- PS-3: Installing temporary Environmentally Sensitive Area (ESA) fencing at locations where plants can be avoided by construction activities and in locations where plants occur outside the project impact area (Natural Environment Study, 2016, pg. 81). Prior to the start of construction, orange mesh Environmentally Sensitive Area fencing will be installed under monitor of the district biologist.
- PS-4: Environmental awareness training for contractors regarding Environmentally Sensitive Area fencing.
- PS-5: Environmentally Sensitive Area locations shall appear on plans bid on by the contractor.
- PS-6: If transplanting becomes necessary, a transplanting plan will be created in coordination with the California Department of Fish and Wildlife.

2.3 Construction Impacts

Construction activities for the project would cause temporary impacts for air quality, water quality, noise, hazardous waste, and biology, and public services (access/traffic). These impacts would not be substantial.

Air Quality

During construction, the project would generate dust and air pollutants. Exhaust from construction equipment contains hydrocarbons, nitrogen oxides, carbon monoxide, suspended particulate matter and odors. Dust levels are also expected to have a short-term impact because of the nature of the work. A short-term degradation of air quality can be expected.

Caltrans' Standard Specifications pertaining to dust control and dust palliative requirements are a required part of all construction contracts. This includes Caltrans' Standard Specifications, Section 14-9.02 "*Air Pollution Control*" and Section 14.9.03 "*Dust Control*," which require contractor compliance to the Great Basin Unified Air Pollution Control District's rules, ordinances, and regulations. The enforcement of these measures should effectively reduce and control emission impacts during construction.

Water Quality

Temporary impacts to water quality may occur during construction of the project due to erosion and sediment, but any short-term (temporary) impacts will be mitigated by best management practices (BMPs). The project will not have any adverse effect on surface or groundwater quality. All appropriate best management practices would be used as outlined in the National Pollutant Discharge Elimination System Statewide Storm Water Permit and the Construction General Permit. Most construction activity is short term and mitigated by construction timing, sequencing, water quality protection, re-vegetation, and erosion and sediment control practices (Screening Memo, April 5, 2016).

Contamination of any surface water would be avoided. If used, no reclaimed water would be allowed to mingle with surface flows. No stormwater flows should leave the site without treatment. The following avoidance and minimization measures would be used:

- SWI-1: A Stormwater Pollution Prevention Plan will be prepared by the contractor and implemented during construction to the satisfaction of the resident engineer. This plan will identify the sources of sediment and other pollutants that affect the quality of storm water discharges. The plan will also describe and ensure the implementation of best management practices to reduce or eliminate sediment and other pollutants in stormwater as well as in non-stormwater discharges.
- SWI-2: Installation of measures to control temporary erosion.
- SWI-3: Installation of measures to prevent debris from entering surface waters.
- SWI-4: Measures to be implemented in the case of an accidental spill of hazardous materials. At minimum, a spill kit shall be kept on-site and an Emergency Response Plan shall be developed and implemented in case a spill were to occur.

Caltrans and the project contractor would address all potential water quality impacts that may occur during construction. A dredge and fill permit would be required as outlined in Section 404 of the Clean Water Act. Caltrans would comply with all permit requirements. Clean water diversions required for culvert replacement will be subject to the conditions in the California Department of Fish and Wildlife 1602 permit and Regional Water Quality Control Board 401 certification.

Noise

Under 23 Code of Federal Regulations 772, Type III projects do not require a noise analysis; however, the Caltrans noise protocol states that a reasonable analysis method should be used to evaluate construction noise. Using the Federal Highway Administration's *Roadway Construction Noise Model Handbook* and distances to receptors, none of the equipment types appropriate to this project would create noise levels at receptors warranting mitigation. Temporary noise may intermittently dominate the environment in the immediate area of construction. After completion of the project, local noise levels would return to normal. Blasting could exceed 95 dBA at the blasting site, but the nearest receptor is several hundred feet away and noise levels there could be as much as 30 dBA lower. To minimize the effects of construction noise, the following measure would be used:

- NI-1: All work will take place after 8 a.m., and nearby residents will be given multiple notices. To prevent impacts to migratory deer, Caltrans will not allow construction at night. The allowable hours for work will be included in the Lane Closure Charts in the Special Provisions.

Hazardous Waste

There are no known sources of hazardous waste or soil contaminants within the construction project limits. During construction, any wastes created would be properly disposed of off-site according to state and county disposal regulations. (screened undertaking; field review, May 5, 2016).

Construction would temporarily disturb soils that may contain levels of aerially deposited lead (ADL) above the regulatory action level. If these soils are to be transported off-site, the following measure would be used:

- HWI-1: Soil testing and reporting will be required prior to the next phase of project delivery.

If soils exhibit aerially deposited lead above the regulatory thresholds, the following measure would be used:

- HWI-2: A testing report shall be included in the contract documents as an informational handout, and items for appropriate disposal shall be included in the contract plans, specifications, and estimate.

Biology

Animal Species

If the construction season includes mid-March through early May, coordination with the California Department of Fish and Wildlife will be required. Also, per the Migratory Bird Act, if birds are observed before construction, avoidance and minimization measures, such as exclusionary devices, will be used to avoid construction-related impacts. If any ground disturbance or construction activities are scheduled during the nesting bird season, from February 15 to September 1, preconstruction surveys will be performed to confirm the presence of migratory birds.

- ASR-2: Seasonal construction windows will be implemented for greater sage-grouse lek season avoidance, March 15–June 30.
- ASR-3: Ground disturbance or construction activities occurring during the nesting bird season, from February 15 to September 1, will require preconstruction surveys to confirm the presence of migratory and nesting birds. Preconstruction surveys for nesting and migratory birds will be conducted *at least 2 days prior* to start of construction, within 250 feet of the project impact area (PIA) in all available nesting habitats (structures, trees, shrubs, ground, and cliffs).

Invasive Species

Various invasive species are present in the project area, including bull thistle (*Cirsium vulgare*), Canada thistle (*Cirsium arvense*), cheatgrass (*Bromus tectorum*), curly dock (*Rumex crispus*), five-hook bassia (*Bassia hyssopifolia*), and Russian thistle (*Salsola tragus*).

In compliance with the Executive Order on Invasive Species, Executive Order 13112, and guidance from the Federal Highway Administration, none of the species on the California list of invasive species is used by Caltrans for erosion control or landscaping in the proposed project area.

The following measures would be used for invasive species control:

- ISR-1: All equipment and materials will be inspected for the presence of invasive species. In areas of particular sensitivity, extra precautions will be taken if invasive species are found in or next to the construction areas.
- ISR-2: Construction equipment will be inspected and cleaned, and eradication strategies will be implemented should an invasion occur.
- ISR-3: Landscaping commitment to ensure the use of invasive-free mulches, topsoils, seed mixes, and other strategies to help reduce existing populations of invasive non-native plants.
- ISR-4: Biological monitoring will occur to ensure there are no invasive species in the project area as the area revegetates.

Public Services

During construction, one lane will be open at all times, with a maximum of 20-minute delays to the traveling public. Also, Caltrans will address public emergency services using the following:

- ERS-1: A Traffic Management Plan (TMP) will be implemented in coordination with agencies responsible for police protection, fire protection and schools. During construction, the Traffic Management Plan would be followed to accommodate local traffic patterns and reduce delay, congestion, and accidents. The Traffic Management Plan would minimize disruption to local and regional traffic by placing Caltrans' personnel, with radio communication, at both ends of the project in order to coordinate with ambulance, police, sheriff and fire departments so that quick accommodation can be made for passing public and emergency vehicles (correspondence with Design Engineer, March 29, 2016).

Utilities

Caltrans will coordinate with utility companies, regarding necessary relocations. All utilities (e.g., fiber optic - CA Broadband Cooperative) already installed under encroachment permit are fiscally responsible for their relocation.

2.4 Cumulative Impacts

Regulatory Setting

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in a project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

CEQA Guidelines Section 15130 describes when a cumulative impact analysis is necessary and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts under CEQA can be found in Section 15355 of the CEQA Guidelines. A definition of cumulative impacts, under NEPA, can be found in 40 Code of Federal Regulations Section 1508.7 of the Council on Environmental Quality Regulations.

Affected Environment

Cumulative impacts identified for the Aspen Fales shoulder widening project are those impacts that result from past, present, and reasonably foreseeable future actions occurring in the project area. The affected environment for each of these resources has been previously discussed in their respective portions of Chapters 2 and 3.

Reasonably Foreseeable Projects and Past Projects

The list of reasonably foreseeable projects is based on known projects identified by Mono County and Caltrans District 9. Table 2.8 shows the reasonably foreseeable projects considered in the cumulative impact analysis of this project. Because the Aspen Fales project sits in a rural area along U.S. 395, the list of past and future projects within the project area is small.

Table 2.8 Past, Present and Reasonably Foreseeable Future Actions

Project Name	Project Location	Project Description	Impacts	Project Status
Little Walker Shoulders	On U.S. 395, approx. 2 miles southwest of Aspen Fales Shoulder Widening project	Provides an additional 6 feet of shoulders with rumble strips, corrects super-elevation, and a chip seal placed on road	Minor visual impacts, wetland/riparian effects	Mitigated Negative Declaration completed July 2015
Sheep Ranch Shoulders	On U.S. 395, about 9 miles south of Aspen Fales Shoulder Widening	Provide an additional 6 feet of shoulders with rumble strips, correct pavement cross-slopes, stabilize road cuts and install metal beam guardrail	Minor impacts to riparian habitat, wetlands, plant and animal species	Caltrans, Phase 1 (PS&E)
Buckeye CAPM	On U.S. 395, about 11 miles south of Aspen Fales Shoulder Widening, in Bridgeport	Pavement treatment and preservation	No impacts	Caltrans, Phase 0 (PA&ED)
Sonora Junction Shoulders	On U.S. 395 about 1 mile west of Aspen Fales Shoulder Widening	Shoulder widening	---	Caltrans, Phase K (PID)
Inyo-Mono Rumble Strip and Signs	On U.S. 395 throughout Inyo and Mono counties	Placement of rumble strips and traffic advisory signs	No impacts	Caltrans, Phase 3/4 (Construction)

Environmental Consequences

This section discusses potential impacts to various resources that could occur as a result of the Aspen Fales Shoulder Widening project, combined with impacts from other projects listed in the table above.

Cultural Resources

Resource Study Area

The resource study area for cultural resources encompasses a large geographic area, including locations in Inyo and Mono counties. This area spans from State Route 127 to the east to U.S. 395 to the west, including the areas of Death Valley along State Route 190. The area also includes cultural resources from State Route 120 at Benton, heading northwest through southern Mono Lake, north to State Route 89 just south of Topaz Lake.

Health and Historical Context

Prehistoric sites throughout the area consist mostly of obsidian flaked stone scatters. Historical sites include linear features, such as a 19th century wagon road, and built structures, such as those associated with the old Fales Hot Springs resort.

Project Impacts

Impacts to historical and archaeological resources are confined to the Aspen Fales Shoulder Widening project, in the northwestern portion of the resource study area. The following results can be used to compare potential site impacts for each project alternative:

- Alternative 1 (Options A, B and C) has the potential to adversely affect five historic properties, two of which have the potential to be adversely affected.
- Alternative 2 (Options A, B and C) has the potential to adversely affect five historic properties, one of which has the potential to be adversely affected.
- Alternative 3 has the potential to adversely affect four historic properties, one of which has the potential to be adversely affected.

Past and Reasonable Foreseeable Actions

The five projects planned in the area are Caltrans' Little Walker Shoulders, Sheep Ranch Shoulders, Buckeye Capital Maintenance (CAPM), Sonora Junction Shoulders, Inyo-Mono Rumble Strip and Signs. It is anticipated that these five projects will have no impact on cultural resources.

Cumulative Impacts

Past, current and planned projects would not contribute to a cumulative impact on cultural resources due to the nature of these transportation projects. Areas of disturbance are minimal and, although cultural resources may still be present within the projects' footprint, the effects can be reduced below significance, through avoidance and minimization measures, such as Environmentally Sensitive Area (ESA) fencing and data recovery.

Biological Resources

Resource Study Area

The resource study area for biological resources encompasses several geographic areas in Mono and Inyo counties. This area spans from the east at State Route 127 to U.S. 395 in the west, including the areas of Death Valley along State Route 190. The area also includes biological resources from State Route 120 at Benton to the southern Mono Lake area, continuing north to State Route 89 just south of Topaz Lake.

Project Impacts

The Aspen Fales Shoulder Widening project would result in different impacts to biological resources, including wetlands and riparian habitat, based on the preferred alternative selected. Because Alternatives 2 and 3 would construct new alignments, they would have the greatest impacts on wetland resources. Alternative 2 would remove between 0.64 acre and 1.05 acres of wetlands, while Alternative 1 would remove only 0.62 acre. Alternative 3 would remove 0.64 acre of wetlands. Alternative 1 would remove 0.29 acre of riparian habitat, while Alternative 2 would remove

between 0.26 and 0.44 acre of riparian habitat. Alternatives 3 would remove 0.34 acre of riparian habitat.

Past and Reasonably Foreseeable Actions

The five projects planned in the area are Caltrans' Little Walker Shoulders, Sheep Ranch Shoulders, Buckeye CAPM, Sonora Junction Shoulders, Inyo-Mono Rumble Strip and Signs. These projects would affect biological resources.

Cumulative Impacts

This section addresses net impacts, which are the impacts from the proposed projects, minus avoidance, minimization and mitigation measures. The future development and planned transportation projects in the project area would contribute to the loss of wetlands and riparian habitat. The loss of these resources would be offset through mitigation banking credits, which would secure wetland acreage for non-development within the same geographic area as the proposed project.

These projects would also have impacts to plant and animal species, all of which can be offset with avoidance and minimization measures to reduce impacts. These include re-vegetation of native plants, Environmentally Sensitive Area (ESA) fencing, and seasonal construction windows. There would therefore be no significant cumulative impacts from these reasonably foreseeable future projects.

Visual Resources

Resource Study Area

The resource study area for visual resources encompasses the geographic areas from State Route 120 at Benton, heading northwest through southern Mono Lake and all the way north to State Route 89 just south of Topaz Lake.

Project Impacts

The Aspen Fales Shoulder Widening project would result in impacts to visual resources, depending on the preferred alternative selected. Alternatives 2 and 3, which would construct new alignments, would have little to no effect on visual resources. Alternative 1 would have a significant impact due to excavation of the rock outcropping.

Past and Reasonably Foreseeable Actions

The five projects planned in the area are Caltrans' Little Walker Shoulders, Sheep Ranch Shoulders, Buckeye CAPM, Sonora Junction Shoulders, Inyo-Mono Rumble Strip and Signs. Of these, only the current project and Little Walker Shoulder Widening would affect visual resources.

Cumulative Impacts

Future development of this area in Mono County would be limited, due to its rural geographic setting. Planned transportation projects in the project area would have some effects to visual resources; however, the degradation of these resources can be

minimized with measures such as texturing of rock surfaces, re-vegetation with native plants and aesthetic treatments to allow aspects of the project to blend in with the surrounding natural environment. These projects have minor impacts to visual resources, all of which can be offset with minimization measures. There will therefore be no significant cumulative impacts from these reasonably foreseeable future projects.

Avoidance, Minimization, and/or Mitigation Measures

Cultural Resources

All of the project alternatives will affect historic properties. Six resources will be completely avoided with the establishment of Environmentally Sensitive Areas. Effects will be minimized at three sites with the establishment of Environmentally Sensitive Areas and monitoring. Impacts to one site will be mitigated by the implementation of a Memorandum of Agreement and Data Recovery Plan. See section 2.1.2 Cultural Resources, the Avoidance, Minimization and Mitigation section, for further details.

Biological Resources

Proposed measures, such as mitigation banking credits, seasonal construction windows, and Environmentally Sensitive Area (ESA) fencing will greatly reduce the cumulative effects of wetland-related impacts and effects on sensitive or migratory species. See section 2.2.1 Natural Communities of this document for discussions on required avoidance, minimization and mitigation measures for riparian habitat and migratory animals. See section 2.2.2 Wetlands for discussion about reducing impacts to wetlands through mitigation banking. See section 2.2.3 Plant Species for a discussion on avoidance, minimization and mitigation measures for special-status plant species.

Visual Resources

Visual resources would be impacted only if Alternative 1 is chosen as the preferred alternative. In this case, a major element of the viewshed will be altered and would have a significant impact on how viewers see the landscape around the project area. Minimization and mitigation measures, such as a horizontal rock cut, with irregular or blocky features, combined with aesthetic treatment, would reduce the level of impact below significance. See section 2.1.1 Visual/Aesthetics for a discussion of avoidance, minimization and mitigation measures for visual resources.

Chapter 3 California Environmental Quality Act Evaluation

3.1 Determining Significance under the California Environmental Quality Act

The proposed project is a joint project by Caltrans and the Federal Highway Administration and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both NEPA and CEQA. The Federal Highway Administration's responsibility for environmental review, consultation, and any other action required in accordance with NEPA and other applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to title 23 U.S. Code 327. Caltrans is the lead agency under NEPA and CEQA.

One of the main differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an Environmental Impact Statement, or a lower level of documentation, will be required. NEPA requires that an Environmental Impact Statement be prepared when the proposed federal action (project) as a whole has the potential to "significantly affect the quality of the human environment." The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an Environmental Impact Statement, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents.

CEQA, on the other hand, does require Caltrans to identify each "significant effect on the environment" resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an Environmental Impact Report must be prepared. Each significant effect on the environment must be disclosed in the Environmental Impact Report and mitigated if feasible. In addition, the CEQA Guidelines list a number of mandatory findings of significance, which also require the preparation of an Environmental Impact Report. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA.

This chapter discusses the effects of this project and CEQA significance.

3.2 Discussion of Significant Impacts

Chapter 2 discussed affected environments, potential impacts, and avoidance, minimization and/or mitigation measures. Chapter 3 discusses the impacts addressed in Chapter 2 that fall under CEQA jurisdiction.

3.2.1 No Effects

It is not anticipated that the proposed project would have effects on the following resources:

- Agriculture and Forest Resources
- Air Quality
- Hazardous Waste
- Wild and Scenic Rivers
- Parks and Recreation
- Farmland and Timberland
- Hydrology and Floodplain
- Environmental Justice
- Existing and Future Land Use
- Growth
- Pedestrian and Bicycle Facilities
- Community Character and Cohesion
- Paleontology
- Geology
- Animal Species
- Threatened and Endangered Species
- Water Quality
- Utilities
- Energy

3.2.2 Less-than-significant Environmental Effects of the Proposed Project

Caltrans determined the proposed project would have less-than-significant effects on the following environmental resources:

Air Quality – For a discussion on the temporary effects air quality from the proposed project, please see section 2.3 Construction Impacts.

Water Quality – For a discussion on the temporary effects of erosion and sediments to water quality, please see section 2.3 Construction Impacts.

Hazardous Waste – For a discussion of possible temporary effects from hazardous waste and soil contaminants, please see section 2.3 Construction Impacts.

Noise – For a discussion on the temporary effects of noise from the proposed project, please see section 2.3 Construction Impacts.

Animal Species – For a discussion on the temporary effects to migratory birds from the proposed project, please see section 2.3 Construction Impacts.

Invasive Species – For a discussion on how invasive species will be kept out of the proposed project area, please see section 2.3 Construction Impacts.

Public Services – For a discussion on the temporary effects of public services, such as law enforcement, fire protection and schools, please see section 2.3 Construction Impacts.

3.2.3 Significant Environmental Effects of the Proposed Project

Caltrans determined that significant environmental impacts to the following resources can be lowered to a level below significance with minimization and mitigation measures.

Wetlands and Other Waters of the U.S. – The project's design by definition would have a significant impact on wetlands because the alignment of U.S. 395 through the project area passes through wetlands and riparian habitat. Any widening of the shoulders would significantly impact these areas. In accordance with state and federal permit requirements, effects to wetlands/waters would be compensated.

- The District Biologist will work with the California Department of Fish and Wildlife and U.S. Army Corps of Engineers to identify suitable mitigation. Mitigation acreage would be replaced at a minimum ratio of 1.5:1 (1.5 compensation acres for each impacted acre) to mitigate effects to wetlands below a level of significance.

Plant Species – Hall's meadow hawksbeard and cut-leaf checkerbloom have a 2B listing status with the California Native Plant Society. Preconstruction surveys are required to confirm the presence of both species, but it is assumed that plant populations would be found within the project impact area and would be affected by construction activities.

- PS-1: Transplanting individual plants and/or hand-collecting seeds to spread in selected locations outside the project impact area may be necessary to mitigate effects to these plant species to a level below significance.
- PS-6: A transplanting plan will be created in coordination with the California Department of Fish and Wildlife.

Archaeological and Built Environment Resources – Five archaeological sites require mitigation to reduce the impacts to a level below significance. These impacts to lithic scatters and a segment of wagon road would be mitigated to a level below

significance, not only with Environmentally Sensitive Area fencing, but also with the use of monitoring, and a Memorandum of Agreement and Data Recovery Treatment Plan. This plan for data collection, to be implemented by a Caltrans Archaeologist before construction, would allow for the recovery of information that otherwise would have been lost during construction activities.

- CR-1: A Memorandum of Agreement will be developed in consultation with the State Historic Preservation Officer to resolve adverse effects to historic property P-26-005879. An Environmentally Sensitive Area Action Plan (an attachment of the Memorandum of Agreement) will be implemented to avoid and minimize impacts to historic properties.
- CR-2: A Data Recovery Plan will be developed to mitigate impacts to historic property P-26-005879.

3.2.4 Unavoidable Significant Environmental Effects

Section 15126.2(b) of the CEQA Guidelines requires that an Environmental Impact Report discuss significant impacts. When such impacts cannot be reduced to a less-than-significant level, the Environmental Impact Report must describe their implications and the reasons why the project is being proposed in spite of the impacts.

Visual Resources – An assessment about unavoidable significant impacts to visual resources would be determined by the preferred alternative for the proposed project. If Alternative 1 Option A, B or C is chosen, unavoidable significant impacts would result from the proposed project. Each of the options creates large, artificial cut slope faces, producing incrementally greater impacts to the visual quality of the area as the slope of the cut becomes more gradual and less vertical. Even with mitigation measures, such as rock sculpting and staining, which reduce the engineered appearance of the excavated rock face, substantial residual visual impacts still would occur.

3.2.5 Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gas emissions, particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988 led to increased efforts devoted to greenhouse gas emissions reduction and climate change research and policy. These efforts are concerned mostly with the emissions of greenhouse gases generated by human activity, including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF_6), HFC-23 (fluoroform), HFC-134a (s, s, s, 2-tetrafluoroethane), and HFC-152a (difluoroethane).

In the U.S., the main source of greenhouse gas emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light-duty trucks, other trucks, buses, and motorcycles) make up the largest source of greenhouse gas-emitting sources. The dominant greenhouse gas emitted is carbon dioxide, mostly from fossil fuel combustion.

There are typically two terms used when discussing the impacts of climate change: "greenhouse gas mitigation" and "adaptation." "Greenhouse gas mitigation" is a term for reducing greenhouse gas emissions to reduce or "mitigate" the impacts of climate change. "Adaptation" refers to the effort of planning for and adapting to impacts resulting from climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels).

There are four main strategies for reducing greenhouse gas emissions from transportation sources: 1) improving the transportation system and operational efficiencies, 2) reducing travel activity), 3) transitioning to lower greenhouse gas-emitting fuels, and 4) improving vehicle technologies/efficiency. To be most effective, all four strategies should be pursued cooperatively.

Regulatory Setting

State

With the passage of several pieces of legislation including State Senate and Assembly bills and Executive Orders, California launched an innovative and proactive approach to dealing with greenhouse gas emissions and climate change.

Assembly Bill 1493 (AB 1493), Pavley, Vehicular Emissions: Greenhouse Gases, 2002: This bill requires the California Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year.

Executive Order S-3-05 (June 1, 2005): The goal of this order is to reduce California's greenhouse gas emissions to: 1) year 2000 levels by 2010, 2) year 1990 levels by the 2020, and 3) 80% below the year 1990 levels by 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

Assembly Bill 32 (AB 32), Núñez and Pavley, The Global Warming Solutions Act of 2006: This bill set the same overall greenhouse gas emissions reduction goals as outlined in Executive Order S-3-05, while further mandating that the California Air Resources Board create a scoping plan and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases."

Executive Order S-20-06 (October 18, 2006): This order established the responsibilities and roles of the Secretary of the California Environmental Protection Agency (Cal/EPA) and state agencies with regard to climate change.

Executive Order S-01-07 (January 18, 2007): This order set forth the low carbon fuel standard for California. Under this order, the carbon intensity of California's transportation fuels is to be reduced by at least 10% by 2020.

Senate Bill 97 (SB 97) Chapter 185, 2007, Greenhouse Gas Emissions: This bill required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the CEQA Guidelines for addressing greenhouse gas emissions. The amendments became effective on March 18, 2010.

Senate Bill 375 (SB 375), Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill required the California Air Resources Board to set regional emissions reduction targets from passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land use, and housing policies to plan for the achievement of the emissions target for each region.

Senate Bill 391 (SB 391) Chapter 585, 2009 California Transportation Plan: This bill requires the state's long-range transportation plan to meet California's climate change goals under AB 32.

Federal

Although climate change and greenhouse gas reduction are concerns at the federal level, currently no regulation or legislation has been enacted specifically addressing greenhouse gas emissions reductions and climate change at the project level. Neither the U.S. EPA nor the Federal Highway Administration has issued explicit guidance or methods to conduct project-level greenhouse gas analysis. The Federal Highway Administration supports the approach that climate change considerations should be integrated throughout the transportation decision-making process, from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will assist in decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project-level decision-making. Climate change considerations can be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies outlined by the Federal Highway Administration to lessen climate change impacts correlate with efforts that the state is undertaking to deal with transportation and climate change; these strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and a reduction in travel activity.

Climate change and its associated effects are being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and Executive Order 13514 - Federal Leadership in Environmental, Energy and Economic Performance.

Executive Order 13514 (October 5, 2009): This order is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also directs federal agencies to participate in the Interagency Climate Change Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change.

U.S. EPA's authority to regulate greenhouse gas emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that greenhouse gases meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably expected to endanger public health or welfare. Responding to the court's ruling, the U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it found that six greenhouse gases constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing act and EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions. The U.S. EPA in conjunction with the National Highway Traffic Safety Administration issued the first of a series of greenhouse gas emission standards for new cars and light-duty vehicles in April 2010.

The U.S. EPA and the National Highway Traffic Safety Administration are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced greenhouse gas emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever greenhouse gas regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle greenhouse gas regulations.

The final combined standards that made up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards implemented by this program are expected to reduce greenhouse gas emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

On August 28, 2012, the U.S. EPA and the National Highway Traffic Safety Administration issued a joint Final Rulemaking to extend the national program for fuel economy standards to model year 2017 through 2025 passenger vehicles. Over the lifetime of the model year 2017-2025 standards, this program is projected to save approximately four billion barrels of oil and two billion metric tons of greenhouse gas emissions.

The complementary U.S. EPA and National Highway Traffic Safety Administration standards that make up the Heavy-Duty National Program apply to combination tractors (semi-trucks), heavy-duty pickup trucks and vans, and vocational vehicles (including buses and refuse or utility trucks). Together, these standards will cut greenhouse gas emissions and domestic oil use significantly. This program responds to President Barack Obama's 2010 request to jointly establish greenhouse gas emissions and fuel-efficiency standards for the medium- and heavy-duty highway

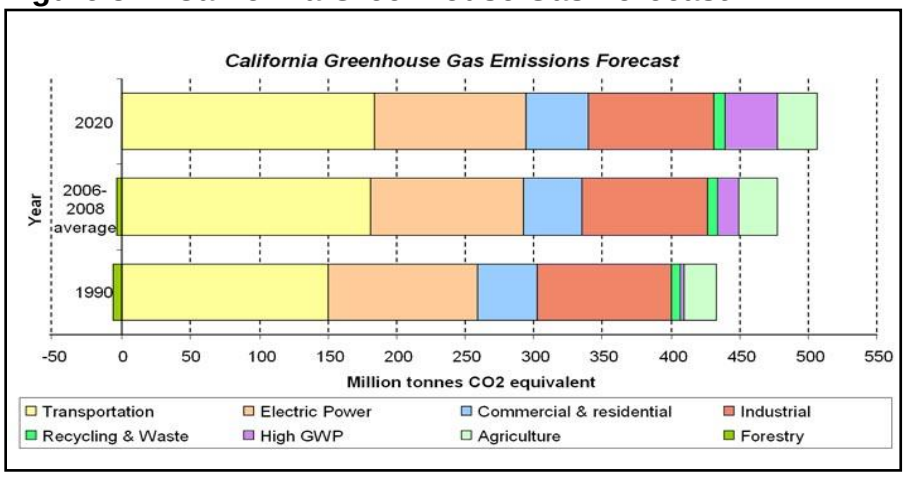
vehicle sector. The agencies estimate that the combined standards will reduce carbon dioxide emissions by about 270 million metric tons and save about 530 million barrels of oil over the life of model year 2014 to 2018 heavy-duty vehicles.

Project Analysis

An individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may contribute to a potential impact through its incremental change in emissions when combined with the contributions of all other sources of greenhouse gas. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable" (CEQA Guidelines Sections 15064(h)(1) and 15130). To make this determination, one must compare the incremental impacts of the project with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects to make this determination is a difficult, if not impossible, task.

The AB 32 Scoping Plan mandated by AB 32 includes the main strategies California will use to reduce greenhouse gas emissions. As part of its supporting documentation for the Draft Scoping Plan, the Air Resources Board released the greenhouse gas inventory for California (forecast last updated: October 28, 2010). See Figure 3-1. The forecast is an estimate of the emissions expected to occur in 2020 if none of the foreseeable measures included in the scoping plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the greenhouse gas inventory for 2006, 2007, and 2008.

Figure 3-1 California Greenhouse Gas Forecast



Source: http://www.arb.ca.gov/cc/inventory/data/forecast.htm

Caltrans and its parent agency, the State Transportation Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98% of California's greenhouse gas emissions are from the burning

of fossil fuels and 40% of all human-made greenhouse gas emissions are from transportation, Caltrans has created and is implementing the *Climate Action Program at Caltrans* that was produced in December 2006.

The purpose of the proposed project is to improve safety and operations along this segment of roadway for the traveling public. The paved shoulders of the highway here are narrow, varying in width between 2 and 3 feet. The accident history for the five-year period from July 1, 2008 to June 30, 2013 for this segment of highway shows there were 23 collisions reported, with 65.2% being run-off-the-road collisions. The accident history also indicates a total accident rate for this segment of 1.41 and a fatal-plus-injury rate of 0.55 accidents per million vehicle miles; both of these rates are above the statewide averages of 1.03 and 0.46 accidents per million vehicle miles, respectively. The proposed project is not capacity-increasing, therefore there is not an anticipated increase in operational greenhouse gas emissions.

Construction Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction greenhouse gas emissions include emissions produced as a result of material processing, emissions produced by on-site construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In addition, with innovations such as longer pavement life, improved traffic management plans, and changes in materials, the greenhouse gas emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation work.

California Environmental Quality Act Conclusion

Pursuant to Public Relations Code section 21100(b)(3), Caltrans accounts for the energy impacts of its proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. The purpose of the proposed project is to enhance safety by bringing the facility up to current design standards. The project will not have growth inducing effects or add capacity to the facility and a long term increase in greenhouse gas emissions is not anticipated.

Based on the above, Caltrans does anticipate a temporary increase in construction emissions and no change in operational greenhouse gas emissions with the project. It is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a determination regarding significance of the project's direct impact and its contribution on the cumulative scale to climate change. However, Caltrans is firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the following section.

Greenhouse Gas Reduction Strategies

Caltrans continues to be involved on the Governor's Climate Action Team as the Air Resources Board works to implement Executive Orders S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from then-Governor Arnold Schwarzenegger's Strategic Growth Plan for California. The Strategic Growth Plan targeted a significant decrease in traffic congestion below 2008 levels and a corresponding reduction in greenhouse gas emissions, while accommodating growth in population and the economy.

The Strategic Growth Plan relies on a complete systems approach to attain carbon dioxide reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements as shown in Figure 3-2 Mobility Pyramid.

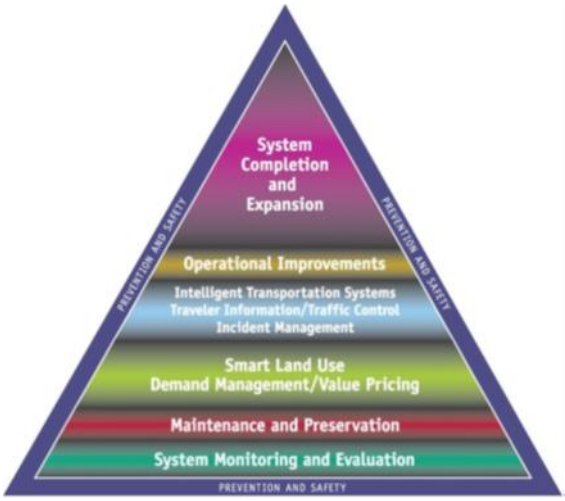


Figure 3-2 Mobility Pyramid

Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high-density housing along transit corridors. Caltrans works closely with local jurisdictions on planning activities, but does not have local land use planning authority. Caltrans assists efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; Caltrans is doing this by supporting ongoing research efforts at universities, by supporting legislative efforts to increase fuel economy, and by participating on the Climate Action Team. It is important to note, however, that control of fuel economy standards is held by the U.S. EPA and California Air Resources Board.

Caltrans is also working toward enhancing the State's transportation planning process to respond to future challenges. Similar to requirements for regional transportation plans under Senate Bill 375 (Steinberg 2008), Senate Bill 391 (Liu 2009) requires the State's long-range transportation plan to meet California's climate change goals under AB 32.

The California Transportation Plan (CTP) is a statewide long-range transportation plan to meet our future mobility needs and reduce greenhouse gas emissions. The plan defines performance-based goals, policies, and strategies to achieve our collective vision for California's future statewide integrated, multimodal transportation system.

The purpose of the California Transportation Plan is to provide a common policy framework that will guide transportation investments and decisions by all levels of government, the private sector, and other transportation stakeholders. Through this policy framework, the California Transportation Plan 2040 will identify the statewide transportation system needed to achieve maximum feasible greenhouse gas emission reductions while meeting the state's transportation needs.

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012) is intended to establish a department policy that will ensure coordinated efforts to incorporate climate change into departmental decisions and activities.

Caltrans Activities to Address Climate Change (April 2013) provides a comprehensive overview of activities undertaken by Caltrans statewide to reduce greenhouse gas emissions resulting from agency operations.

Table 3.1 summarizes the departmental and statewide efforts that Caltrans is implementing to reduce greenhouse gas emissions. More detailed information about each strategy is included in the *Climate Action Program at Caltrans* (December 2006).

Table 3.1 Climate Change/CO_2 Reduction Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO_2 Savings Million Metric Tons (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Transportation System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	0.07	2.17
Mainstream Energy & Greenhouse Gas into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, ARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.045 0.0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	0.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 0.36	4.2 3.6
Goods Movement	Office of Goods Movement	Cal EPA, ARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.18

Adaptation Strategies

"Adaptation strategies" refer to how Caltrans and others can plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the transportation infrastructure in various ways, such as damage to roadbeds from longer periods of intense heat; increasing storm damage from flooding and erosion; and inundation from rising sea levels. These effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. There may also be economic and strategic ramifications as a result of these types of impacts to the transportation infrastructure.

At the federal level, the Climate Change Adaptation Task Force, co-chaired by the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA), released its interagency task force progress report on October 28, 2011, outlining the federal government's progress in expanding and strengthening the nation's capacity to better understand, prepare for, and respond to extreme events and other climate change impacts. The report provides an update on actions in key areas of federal adaptation, including: building resilience in local communities, safeguarding critical natural resources such as freshwater, and providing accessible climate information and tools to help decision-makers manage climate risks.

Climate change adaptation must also involve the natural environment. Efforts are underway on a statewide level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

On November 14, 2008, then-Governor Arnold Schwarzenegger signed Executive Order S-13-08, which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change. This order set in motion several agencies and actions to address the concern of sea level rise.

In addition to addressing projected sea level rise, the California Natural Resources Agency was directed to coordinate with local, regional, state, and federal public and private entities to develop the California Climate Adaptation Strategy (December 2009), which summarizes the best-known science on climate change impacts to California, assesses California's vulnerability to the identified impacts, and then outlines solutions that can be implemented within and across state agencies to promote resiliency.

The strategy outline is in direct response to Executive Order S-13-08 that specifically asked the Resources Agency to identify how state agencies can respond to rising temperatures, changing precipitation patterns, sea level rise, and extreme natural events. Numerous other state agencies were involved in the creation of the Adaptation

Strategy document, including the California Environmental Protection Agency; Business, Transportation and Housing; Health and Human Services; and the Department of Agriculture. The document is broken down into strategies for different sectors that include: Public Health; Biodiversity and Habitat; Ocean and Coastal Resources; Water Management; Agriculture; Forestry; and Transportation and Energy Infrastructure. As data continues to be developed and collected, the state's adaptation strategy will be updated to reflect current findings.

The National Academy of Science was directed to prepare a Sea Level Rise Assessment Report to recommend how California should plan for future sea level rise. The report was released in June 2012 and included the following information:

- Relative sea level rise projections for California, Oregon and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates.
- Range of uncertainty in selected sea level rise projections.
- Synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities and beaches), natural areas, and coastal and marine ecosystems.
- Discussion of future research needs regarding sea level rise.

In 2010, interim guidance was released by the Coastal Ocean Climate Action Team (CO-CAT) as well as Caltrans as a method to initiate action and discussion of potential risks to the state's infrastructure due to projected sea level rise. Subsequently, CO-CAT updated the Sea Level Rise guidance to include information presented in the National Academy's study.

All state agencies that are planning to construct projects in areas vulnerable to future sea level rise are directed to consider a range of sea level rise scenarios for the years 2050 and 2100 to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information on local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data.

All projects that have filed a Notice of Preparation (NOP) as of the date of the Executive Order S-13-08, and/or are programmed for construction funding through 2013, or are routine maintenance projects may, but are not required to, consider these planning guidelines. The proposed project is outside the coastal zone, and direct impacts to transportation facilities due to projected sea level rise are not expected.

Executive Order S-13-08 also directed the Business, Transportation, and Housing Agency [now called the State Transportation Agency] to prepare a report to assess vulnerability of transportation systems to sea level rise affecting safety, maintenance and operational improvements of the system, and economy of the state. Caltrans continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Currently, Caltrans is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change effects, Caltrans has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once statewide planning scenarios become available, Caltrans will be able review its current design standards to determine what changes, if any, may be needed to protect the transportation system from sea level rise.

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. Caltrans is an active participant in the efforts being conducted in response to Executive Order S-13-08 and is mobilizing to be able to respond to the National Academy of Science Sea Level Rise Assessment Report.

Chapter 4 Comments and Coordination

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required, and identify potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including Project Development Team meetings and interagency coordination meetings. This chapter summarizes the results of Caltrans' efforts to identify, address, and resolve project-related issues through early and continuing coordination.

4.1 Scoping Process

Based on the Class of Action Determination form, completed January 9, 2013, the anticipated environmental document was an Environmental Impact Report (EIR) under CEQA and a complex Environmental Assessment (EA) under NEPA. Caltrans determined that a project Environmental Impact Report in accordance with section 15161 of state CEQA guidelines would be prepared, due to *potentially* significant unavoidable impacts associated with the project.

Notice of Preparation

As required by CEQA, a Notice of Preparation (NOP) of an Environmental Impact Report/Environmental Assessment (EIR/EA) for the Aspen Fales Shoulder Widening was mailed on January 12, 2016 from the State Clearinghouse to government and other resource agencies and department entities that may have a concern or interest in the project. The Notice of Preparation informed its recipients of Caltrans' intent to prepare an EIR and provided the project description, alternatives under consideration, and the environmental resources the project has the potential to affect. Recipients were alerted to the state law requiring submittal of their comments to Caltrans no later than 30 days after receipt of the Notice of Preparation.

In response to the Notice of Preparation, written comments were received from the following: Leslie MacNair, Regional Manager, California Department of Fish and Wildlife; and, Joshua Standing Horse, Associate Government Program Analyst, Native American Heritage Commission (NAHC).

MacNair gave recommendations for assessing biological resources. She stated that Caltrans should create a general biological inventory of the fish, amphibian, reptile, bird and mammal species, as well as their habitats, within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. MacNair reminded Caltrans that analysis and discussion of direct, indirect and cumulative impacts expected to adversely affect biological resources, as a result of the project, is necessary. Finally, MacNair reminded Caltrans to include appropriate and adequate avoidance, minimization and mitigation measures for all direct, indirect, and cumulative impacts

that are expected to occur as a result of the construction and long-term operation and maintenance of the project. She provided resources and methodologies to achieve these tasks. Caltrans has provided information for the requests above, which can be found in studies that include the Natural Environment Study (April 2016), Wetland Delineation and Report (January 2016) and draft environmental document (November 2016).

Standing Horse stated that he was in receipt of Caltrans' Notice of Preparation and sent recommendations for determining whether there were historical resources within the Area of Potential Effect (APE). He reviewed portions of Assembly Bill 52 and Senate Bill 18, providing recommendations for adequately consulting with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Caltrans Archaeologist Stacey Zolnoski has been in consultation with the Bridgeport Indian Colony throughout the project development process, according to the Department's obligations under Section 106 of the National Historic Preservation Act and Assembly Bill 52.

Notice of Availability

Copies of a Notice of Availability (NOA) and the draft Environmental Impact Report/Environmental Assessment were made available to the public beginning on December 13, 2016. The Notice of Availability, along with a hard copy of the draft environmental document, were made available to the public at the following locations: Lee Vining Post Office (121 Lee Vining Ave, Lee Vining, CA), the Lee Vining Public Library (51710 U.S. 395, Lee Vining, CA), the Bridgeport Post Office (29 Kingsley Street, Bridgeport, CA) and the Bridgeport Public Library (94 School Street, Bridgeport CA). The Notice of Availability provided a web address, (http://www.dot.ca.gov/d9/projects/aspenfales/index.html), where the environmental document and all technical studies were made available online to the public. An advertisement for a public hearing was published in *The Mammoth Times* at the end of December 2016. A public hearing, with an open house format, was held on February 14, 2017 to allow interested members of the public to learn more about the project, ask questions of Caltrans' staff, and provide input on the project. The public meeting was held at Caltrans' Maintenance Station in Bridgeport, a half mile south of Bridgeport on Jack Sawyer Road. Ten people in attended.

4.2 Consultation and Coordination with Public Agencies

Caltrans has coordinated with several public agencies that may have an interest in the project as part of the project development process. Several state and federal agencies were notified through the Notice of Preparation, reviewed the draft EIR/EA, and provided comments on the scope of the project and its associated environmental documentation. Focused communications with the agencies are described below. For a detailed analysis of the substantive comments made on the draft EIR/EA, see Appendix M.

4.2.1. California Department of Fish and Wildlife

The California Department of Fish and Wildlife was consulted throughout the period of the proposed project's environmental analysis. On March 6, 2013, Caltrans Biologist Jenny Richardson began discussions with Tim Taylor, California Department of Fish and Wildlife Environmental Scientist, regarding potential disturbance impacts to migratory deer and acceptable measures to avoid and minimize impacts during peak migration periods. On March 2, 2015, Taylor provided Richardson with information about the West Walker deer herd and its migration.

On November 3, 2014, Caltrans' biologist met with Alisa Ellsworth (California Department of Fish and Wildlife Senior Environmental Scientist), Heidi Calvert (California Department of Fish and Wildlife Habitat Conservation Supervisor), and Nick Buckmaster (Environmental Scientist) to discuss potential mitigation options for the potential permanent impacts to wetlands and riparian vegetation. One opportunity discussed, concerning mitigation for wetlands and riparian habitat, was the California Department of Fish and Wildlife property in Pickel Meadows. Impacts to wetlands and Waters of the U.S. (WOUS) could be mitigated through either land acquisition, or through implementation of the restoration of other California Department of Fish and Wildlife properties.

Beginning October 20, 2015, Caltrans' Biologist Jenny Richardson contacted Rose Banks with the California Department of Fish and Wildlife to discuss the Department's compliance with the Native Plant Protection Act, and the sensitive plant species found on or near the proposed project site. Banks provided information regarding the Native Plant Protection Act and, on December 9, 2015, she contacted Richardson and gave her recommendations for avoidance and mitigation measures for sensitive plant species found on or near the project site.

See Appendix M of this document to review substantive comments made in response to the draft EIR/EA as well as Caltrans' analysis and response.

4.2.2. Lahontan Regional Water Quality Control Board

Caltrans' biologists and water specialists maintained contact with the Regional Water Quality Control Board that has jurisdiction over the proposed project's geographic area. In this case, the Lahontan Regional Water Quality Control Board (LRWQCB) has responsibility to issue a Section 401 Permit (from Section 401 of the Clean Water Act), which analyzes the discharge of wastewater into Lahontan Regional Water Quality Control Board's jurisdictional waters. This permit also mandates that the lead agency mitigate impacts from the proposed project for Waters of the U.S. (WOUS) and wetlands. On August 8, 2014, Caltrans' Biologist Jenny Richardson contacted Bud Amorfini of the Lahontan Regional Water Quality Control Board to discuss permitting and mitigation requirements for affected wetlands from the proposed project. Amorfini informed Richardson that the Lahontan Regional Water Quality Control Board would require a 1.5:1 ratio for permanent impacts to wetlands and Waters of the U.S.

4.2.3. Native American Consultation

Caltrans' archaeologist, Stacey Zolnoski, initiated tribal consultation on July 16, 2014 by sending letters to the Native American Heritage Commission and the following tribes, according to Caltrans' obligations under Section 106 of the National Historic Preservation Act and Assembly Bill 52: Benton Paiute Reservation; Mono Lake Indian Community; Big Pine Paiute Tribe of the Owens Valley; Bishop Paiute Tribe; Bridgeport Indian Colony; Washoe Tribe of Nevada; Tuolumne Band of Me-Wuk Indians; and the Antelope Valley Paiute (tribes). The letters provided a description of the project and asked if tribes had any concerns or knowledge of cultural resources within the project area. On July 25, Zolnoski received a response letter from Dave Singleton of the Native American Heritage Commission stating that "a records search of the Sacred Lands Inventory failed to indicate the presence of Native American traditional sites/places" within the project study area.

Between October 2014 and July 2015, draft and final archaeological reports were sent to tribal representatives. On July 13, 2015, Zolnoski conducted a field review to discuss the project with the tribes. All tribes were invited to attend, but only two tribal representatives did: Darrell Cruz of the Washoe Tribe of Nevada and Justin Nalder of the Bridgeport Indian Colony. Both representatives expressed that it was the wishes of each respective tribe that monitors be present during all archaeological excavations and that all artifacts recovered be reburied. Between August 4 and 12, 2015, tribal monitors representing the Bridgeport Indian Colony and the Washoe Tribe of Nevada were present during extended Phase I and Phase II archaeological testing. On September 13, 2016, Caltrans staff conducted a field review with members of the Bridgeport Indian Colony. Caltrans provided the tribe's new Tribal Historic Preservation Officer (THPO) with a hard copy of the Finding of Adverse Effect and State Historic Preservation Officer consultation letters, and agreed to send digital copies of past reports. On September 26, 2016, hard copies of the Finding of Adverse Effect were sent to the remaining tribes. On October 17, 2016, the Bridgeport Indian Colony's Tribal Historic Preservation Officer sent a letter to Caltrans stating that the ethnographic report for the proposed project did not adequately represent the tribe. On November 30, Zolnoski and the Tribal Historic Preservation Officer agreed that appending the Tribal Historic Preservation Officer's letter to the ethnographic report was the proper solution for dealing with the inadequacies of the ethnographic report.

Caltrans received an email from the Tribal Historic Preservation Officer on February 13, 2017 stating that the tribe had concerns about impacts to the rock outcropping from Alternative 1. The tribe noted that the rock is a place of significance to the tribe. On March 3, 2017, Caltrans mailed draft copies of the Memorandum of Agreement (MOA) to the chairman of the Bridgeport Indian Colony and the chairman of the Washoe Tribe of Nevada, inviting them to be concurring parties to the agreement. The documents were received on March 6. On March 7, the Bridgeport Indian Colony Tribal Historic Preservation Officer contacted the project archaeologist via email stating that a tribal member had informed him that human remains were identified in the vicinity of the Devil's Gate, near the project's vicinity, during the original road construction in 1931. Caltrans has been investigating this claim, but has found no

information or records of a previous discovery in the area. Caltrans will continue to investigate the matter.

On March 13, 2017, Caltrans staff had a meeting with the Bridgeport Indian Colony, the Antelope Valley Paiute Band, and the Washoe/Paiute of the Antelope Valley regarding the history of the project, the selected alternative and previous cultural studies conducted, and potential effects to cultural resources. The following day, the Bridgeport Indian Colony Tribal Historic Preservation Officer sent a letter thanking Caltrans for addressing the tribe's concerns.

On March 28, 2017, the Bridgeport Indian Colony Tribal Historic Preservation Officer sent an email to Caltrans stating that he and the chairman agreed that the Memorandum of Agreement was sufficient and the chairman will sign as a concurring party. On March 29, 2017, the Washoe Tribe of Nevada Tribal Historic Preservation Officer called Caltrans, stating that he has no comments or concerns with the Memorandum of Agreement and does not wish to be a concurring party but wants to continue consultation. He would also like a letter of disposition once a decision is made regarding what will happen to the artifacts recovered during data recovery.

See Appendix M of this document to review substantive comments made, on behalf of the tribes, in response to the draft EIR/EA as well as Caltrans' analysis and response.

4.2.4. State Historic Preservation Officer

Caltrans is required to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on, or are eligible for inclusion in, the National Register or are registered or eligible for registration as California Historical Landmarks. On April 22, 2016, the Historic Properties Survey Report (HPSR) for the proposed project was delivered to the State Historic Preservation Officer for a 30-day review. On August 8, 2016, Caltrans received confirmation of the State Historic Preservation Officer's concurrence on determinations of eligibility for the National Register. On August 29, 2016, Caltrans sent the State Historic Preservation Officer its Finding of Effects to historic properties and, on September 27, the State Historic Preservation Officer sent concurrence on the Finding of Effect issued by Caltrans. On April 3, 2017, Caltrans sent the draft Memorandum of Agreement to State Historic Preservation Officer for review. On April 10, Caltrans received the State Historic Preservation Officer's comments on the Memorandum of Agreement. On April 24, 2017, the Memorandum of Agreement was finalized between Caltrans and the State Historic Preservation Officer and went into effect.

4.2.5. U.S. Fish and Wildlife Service

Caltrans has maintained contact with the U.S. Fish and Wildlife Service throughout the project development process since the U.S. Fish and Wildlife Service input regarding plant and animal wildlife resources was crucial to the environmental document. On April 9, 2014, Caltrans' Biologist Jennifer Richardson contacted Erin

Nordin, U.S. Fish and Wildlife Service Biologist, and learned that there are no federal protocols that the U.S. Fish and Wildlife Service uses for amphibians with federal-listing statuses. On April 14, 2014, Caltrans contacted the U.S. Fish and Wildlife Service (Reno and Ventura Offices) and received an official species list that day. Richardson also consulted with Chad Mellison, U.S. Fish and Wildlife Service Biologist, by phone and discussed Lahontan and Paiute cutthroat trout within the West Walker watershed. Caltrans was informed that California Department of Fish and Wildlife was planning to stock Lahontan cutthroat trout in the West Walker River (near the Pickel Meadows area) and in waters near the town of Walker. Mellison informed Richardson that tributaries to the West Walker River, as well as waters within the Bridgeport Valley region, are of no concern to the U.S. Fish and Wildlife Service in regard to impacts on Lahontan cutthroat trout and that consultation with the U.S. Fish and Wildlife Service is not needed. Regarding the Paiute cutthroat trout, Mellison informed Richardson that these fish are only found in Designated Wilderness Areas and are of no real concern for Caltrans' projects.

On April 17, 2014, Richardson consulted with U.S. Fish and Wildlife Service Biologist Steve Abele regarding the greater sage-grouse listing status and Critical Habitat listing implications for Caltrans projects. Abele informed Richardson that the U.S. Fish and Wildlife Service will not need to initiate formal consultation for projects with similar descriptions (widening shoulders) and that he will issue Caltrans a Letter of Concurrence (LOC) stating that the U.S. Fish and Wildlife Service does not foresee any impacts to greater sage-grouse. These determinations were made based on the following rationale:

1. The proposed project will occur within or next to the existing Caltrans right-of-way, or in locations where minimal amounts of new right-of-way will be required.
2. The project will not be a four-wheel drive road improvement.
3. The project will not be a new highway.
4. The project will be a minor road improvement that may include the following activities: widening, clearing, maintenance, management.

From April 21–June 12, 2014, Richardson continued consultation with Abele in order to obtain the Letter of Concurrence for greater sage-grouse. Richardson began by sending Abele the project description and design layouts on April 21. On May 2, Abele proposed acceptable avoidance and minimization measures that Caltrans could use to reduce or eliminate impacts to greater sage-grouse during the lek season. Richardson used this information as she worked through the Natural Environment Study (NES). By June 12, an agreement was reached between Richardson and Abele that Caltrans would provide the U.S. Fish and Wildlife Service with the Natural Environment Study for review, followed by an issuance of the Letter of Concurrence from U.S. Fish and Wildlife Service. The Letter of Concurrence would ultimately be attached to the Natural Environment Study.

4.2.6. U.S. Forest Service-Humboldt-Toiyabe National Forest

On January 17, 2017, Marnie Bonesteel (Lands Special Uses Administrator, U.S. Forest Service) emailed Steve Karamitros (Caltrans Environmental Coordinator) that the Forest Service had minimal comment, since its land was not being affected. Despite this statement, Anne Orlando (District Wildlife Biologist, U.S. Forest Service-Bridgeport Ranger District) sent an email to Caltrans Biologist, Katie Rodriguez (acting project Biologist), on March 21, 2017, recommending that the construction period be limited from April to June. Ultimately, Rodriguez and Orlando agreed that March 15 to June 30 would cover the typical lekking/breeding season as well as the nesting season, since nests are often close to lek sites. The Bi-state sage-grouse, the distinct population of greater sage-grouse under consideration in this project's vicinity, has its own set of agreements developed in the last few years. As stated above (response to California Department of Fish and Wildlife comments, #5), a construction window (March 15–June 30) will be implemented to avoid impacts to the Bi-state sage-grouse.

See Appendix M of this document to review substantive comments made in response to the draft EIR/EA as well as Caltrans' analysis and response.

4.2.7. California Transportation Commission

On March 13, 2017, Caltrans' Environmental Office Chief, Angela Calloway, received a confirmation of receipt and review of the draft EIR/EA from the office of Susan Bransen, Executive Director of the California Transportation Commission (CTC). The California Transportation Commission had no comments related to the project's purpose, need, alternatives studied, impacts evaluated or evaluation methods used. The California Transportation Commission requested notification when the environmental review process is concluded, at which time determinations will be made about further funding. The California Transportation Commission also expects Caltrans to provide written assurance that the selected alternative identified in the final environmental document is consistent with the project programed by the commission.

4.2.8. U.S. Army Corps of Engineers

On August 8, 2014, Caltrans' Jennifer Richardson contacted Bruce Henderson, U.S. Army Corps of Engineers (USACE) Project Manager, to discuss general mitigation for wetlands and Waters of the U.S., pursuant to the Corps' Section 404 requirements. Henderson informed Richardson that Caltrans should focus on compliance in accordance with *33 CFR Parts 325 and 332 Compensatory Mitigation for Losses of Aquatic Resources*, Federal Register, Volume 73. Caltrans was also encouraged to work with the California Department of Fish and Wildlife.

On May 6, 2015, Richardson emailed the wetland delineation report to Leah Fischer (U.S. Army Corps of Engineers Senior Regulatory Project Manager) and Jason Deters (U.S. Army Corps of Engineers Project Manager) for their review and concurrence.

Caltrans expects to receive a detailed response to this report closer to the Plans, Specifications and Estimates phase of the project's development.

4.3 Public Participation

Public outreach efforts have been made to provide information to area residents and to hear continued concerns about the project. Caltrans held a public hearing so that the community had a chance to review the impacts of the proposed project. To promote the meeting, Caltrans posted newsletters (Notice of Availability) at the Lee Vining Post Office, Lee Vining Library, Bridgeport Post Office and Bridgeport Library. Notice was also made in a local Mono County newspaper, *The Mammoth Times*. In addition, Wendy Sugimura of the Mono County Community Development Department sent notices for the public hearing to the Bridgeport and Antelope Valley Regional Planning Advisory Committees (RPACs) around January 17, 2017.

On February 14, 2017, a public hearing in an open house format was held to allow interested members of the public to learn more about the project's alternatives, ask questions of Caltrans' staff related to the project's design or environmental footprint, and provide input and comments on the project. The open house format allowed community members to view visual displays of the proposed project and talk one-on-one with key project team members. Questions were answered by Project Development Team members according to their specialization. The public meeting was held at the Caltrans' Maintenance Station in Bridgeport, a half mile south of Bridgeport on Jack Sawyer Road. Ten people signed in to the meeting, which was held from 4:00 to 7:00 p.m. Comments were written on cards at the meeting, as well as through typed letters left at the meeting or mailed to the Caltrans District 9 office.

See Appendix M for copies of the substantive comments made by the public along with responses from Caltrans.

Chapter 5 List of Preparers

This document was prepared by the following Caltrans District 9 and Central Region staff:

Angela Calloway, Senior Environmental Planner. B.S., Anthropology, Indiana State University; M.A., Anthropology, California State University, Sacramento; 9 years of experience in environmental planning. Contribution: Environmental oversight.

Bob Carr, District 5 Landscape Architect, District Scenic Highway Coordinator. B.S., Landscape Architecture, California Polytechnic State University, San Luis Obispo; 28 years of experience preparing Visual Impact Assessments. Contribution: Visual Impact Analysis.

Nancy Escallier, Senior Right of Way Agent. B.S., Economics, University of California, Davis; 25 years of experience. Contribution: Right of Way acquisitions, permits to enter.

Matthew Goike, Environmental Engineer. B.S.C.E., Environmental Civil and Environmental Engineering, Michigan State University; M.S.C.E., Civil and Environmental Engineering, Michigan State University; 17 years of engineering experience. Contribution: Air, Noise, Hazardous Waste.

Konstantin Grekov, Transportation Engineer. M.S., Electrical Engineering and M.S., Civil Engineering, Karaganda State Technical University, Kazakhstan; 15 years of civil engineering experience. Contribution: Project engineer.

Kirsten Helton, Supervising Environmental Planner, Caltrans Division of Environmental Analysis. B.A., Economics, California State University, Fresno; more than 20 years of environmental planning experience. Contribution: Central Region Environmental Coordinator and Project Development Team member for the project.

Jim Hibbert, District Landscape Architect. B.L.A., Landscape Architecture, University of Oregon; B.A., Geography with minor in Geology, University of Alaska-Fairbanks; California Licensed Landscape Architect; 15 years of experience in landscape architecture. Contribution: Visual Impact Analysis.

Steve Karamitros, Associate Environmental Planner (Generalist). B.A., Political Science, University of California, Berkeley; M.A., Environmental Policy, Middlebury Graduate School in Monterey; 2 years of experience in environmental planning. Contribution: Environmental coordinator (generalist) for the project.

Christina Macdonald, Associate Environmental Planner (Archaeology). B.A., Anthropology, University of California, Los Angeles; M.A., Cultural

Resource Management, Sonoma State University; 18 years of experience in California archaeology. Contribution: Archaeological resources.

Brian McElwain, Project Manager. Contribution: Project manager.

Jeremy Milos, Associate Transportation Planner. B.A., Geography, University of Southern California; 15 years of experience. Contribution: Acting project manager.

Robert Pavlik, former Supervising Environmental Planner, Caltrans Division of Environmental Analysis. M.A., History, University of California, Santa Barbara; 30 years of experience as an environmental planner and historian. Contribution: Central Region Environmental Coordinator and Project Development Team member for the project.

Jennifer Richardson, Associate Environmental Planner (Natural Sciences). Contribution: Biological resources.

Katie Rodriguez, Environmental Planner (Natural Sciences). B.S., Organismal and Conservation Biology, emphasis in Zoology, San Jose State University; M.S., Conservation Biology and Ecology, San Jose State University; 3 years of experience in environmental planning and transportation. Contribution: Biological resources.

Gayle Rosander, Senior Transportation Planner. Contribution: Environmental document review.

Philip Vallejo, Associate Environmental Planner (Architectural Historian). B.A., History, California State University, Fresno; 9 years of experience in architectural history field. Contribution: Architectural resources.

Bill Webster, Senior Engineering Geologist, Caltrans Office of Geotechnical Design North. Contribution: Geology, Soils, Seismicity and Topography.

Brian Wesling, Chief Engineering Branch B. Contribution: Engineering design.

Bryan Winzenread, Deputy District Director for Programming and Project Management. Contribution: Environmental document.

Stacey Zolnoski, Associate Environmental Planner (Archaeology). B.A., Anthropology, Sonoma State University; M.A., Cultural Resources Management, Sonoma State University. Contribution: Native American Coordinator, archaeological resources.

Chapter 6 Distribution List

Federal Agencies

ATTN: Regulatory Branch
U.S. ACOE - Sacramento District
1325 J Street, Room 1513
Sacramento, CA 95814

Jeremy Marshall
US Forest Service-Bridgeport
Ranger District
HC 62 Box 1000
Bridgeport, CA 93517

State Agencies

Regional Manager
CA Department of Fish and Wildlife
787 N. Main St., Suite 220
Bishop, CA 93514

Director
CA Department of Fish and Wildlife
1416 Ninth Street - 12 Floor
Sacramento, CA 95814

Director
Department of Water Resources
1416 9th St., Room 1115-1
Sacramento, CA 95814

Director
Department of Conservation
801 K Street, MS 24-01
Sacramento, CA 95812-4025

Chief
California Highway Patrol
601 N. 7th St.
Sacramento, CA 95811

Division Chief
California Highway Patrol
469 S. Main St.
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Commission Chair
California Transportation Commission
1120 N St., Rm 2221 (MS52)
Sacramento, CA 95814-5620

Commission Chair
Native American Heritage Commission
1550 Harbor Blvd., Ste 100
West Sacramento, CA 95691

Board Chair
State Air Resources Board
1001 I Street
Sacramento, CA 95812

Office of Planning & Research/State Clearinghouse
1400 10th Street
Sacramento, CA 95814

Commission Chair
State Lands Commission
100 Howe Ave., Suite 100
Sacramento, CA 95825-8202

Executive Officer
Lahontan Regional Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392

Executive Officer
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Caltrans Division of Environmental Analysis
P.O. Box 942874, MS 27
Sacramento, CA 94274-0001

CA State Historic Preservation Officer
1725 23rd St., Ste 100
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Commander
Cal Fire - Madera-Mariposa-Merced Units
5366 Hwy 49 North
Mariposa, CA 95338

Bridgeport Fire Protection District
PO Box 375
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Antelope Valley Fire District
PO Box 30
Coleville, CA 96107

California Office of Traffic Safety
2208 Kausen Drive, Suite 300
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Federal Elected Officials

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Honorable Dianne Feinstein
U.S. Senate
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State Elected Officials

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Honorable Frank Bigelow
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County Boards of Supervisors

John Peters
Mono County Board of Supervisors
District 4 Supervisor
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PO Box 715
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Native American Tribes, Agencies, and Communities

Neil Mortimer
Tribal Chairman
Washoe Tribe of Nevada
919 Hwy 395 South
Gardnerville, NV 89410

John Glazier
Tribal Chairperson
Bridgeport Indian Colony
P.O. Box 37
Bridgeport, CA 93517

Chapter 7 List of Technical Studies

Preliminary Environmental Assessment Report (December 2013)

Draft Project Report (September 2016)

Air Quality Report (April 2016)

Noise Study Report (April 2016)

Natural Environment Study (April 2016)

Wetlands & Waters of the United States Delineation Report (January 2016)

Historical Property Survey Report (July 2016)

Historic Resource Evaluation Report (July 2016)

Archaeological Survey Report (July 2016)

Finding of Adverse Effect (August 2016)

Hazardous Waste Report (April 2016)

Visual Impact Assessment (June 2016)

Paleontological Identification Report (April 2014)

District Preliminary Geotechnical Report (November 2015)

Stormwater Data Report (June 2016)

Appendix A California Environmental Quality Act Checklist

Supporting documentation of all California Environmental Quality Act (CEQA) checklist determinations is provided in Chapters 2 and 3 of this Environmental Impact Report/Environmental Assessment. Documentation of "No Impact" determinations is provided at the beginning of Chapter 2. Discussion of all impacts, avoidance, minimization, and/or mitigation measures is under the appropriate topic headings in Chapters 2 and 3.

CEQA Environmental Checklist

09-Mno-395	88.42/91.55	09-34940
Dist.-Co.-Rte.	P.M/P.M.	E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☒	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	☐	☐	☒	☐
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b)Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XIII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Appendix B Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

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March 2013

NON-DISCRIMINATION
POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone: (916) 324-0449, TTY: 711, or via Fax: (916) 324-1949.

MALCOLM DOUGHERTY
Director

Appendix C Glossary of Technical Terms

Technical Word or Term	Definition
arterial	A highway or local road that primarily serves through traffic, usually on a continuous route, with relatively large traffic volumes.
as-builts	The final plans of a project after the project is constructed. These plans show the original design, as well as changes that occurred during construction.
borrow	Soil brought in from another area
channelization	The use of traffic markings or islands to direct traffic into certain paths, for instance, a "channelized" intersection directs portions of traffic into a left-turn lane through the use of roadway islands or striping that separates the turn lane from traffic going straight
clear recovery zone	Unobstructed, relatively flat or gently sloping area beyond the edge of the traffic lane, which affords the drivers of errant vehicles the opportunity to regain control
conventional highway	A highway without control of access that may or may not be divided
design life	The length of time that a transportation facility or improvement is intended to remain serviceable, frequently expressed in years
expressway	An arterial highway with at least partial control of access, which may or may not be divided or have grade separation at intersections
freeway	A divided arterial highway with full control of access and with grade separations at intersections. Access to and from the freeway is provided by interchanges. Final approval of a freeway requires that the California Transportation Commission adopt an alignment for a facility that has been identified by statute as part of the freeway and expressway system.
geometric design	The design of the physical features of a road, such as alignment, grades, sight distances, widths, slopes, etc., many of which are dictated by the design speed.
level of service	A measure describing operational conditions within a traffic stream. It measures such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The six defined levels of services use letter designations from A to F, with Level of Service A representing the best operating conditions and Level of Service F representing the worst. Each Level of Service represents a range of operating conditions.
scarify	Break up and loosen soil or other surface material.

vertical clearance	The unobstructed distance above the roadway surface; the height at which a vehicle may pass beneath a structure, such as a bridge, without any physical contact.

Biology (see also Water Quality and Geology/Soils)

Technical Word or Term	Definition
ambient	Refers to surrounding, external, or unconfined conditions
anadromous	Refers to fish that typically inhabit seas or lakes but ascend streams to spawn; for example, spawn
biotic community	Any assemblage of populations living in a prescribed area or physical habitat
bog	Wetland ecosystem characterized by an accumulation of peat, acid conditions, and dominance of sphagnum moss
brackish	Water that has salt concentration greater than fresh water (>.05 $^{0}/_{00}$) and less than seawater (<35 $^{0}/_{00}$)
chaparral	Vegetation, consisting of broadleaved evergreen shrubs, found in regions with a mediterranean climate of hot, dry summers and mild, wet winters
community	Group of interacting plants and animals inhabiting a given area
competition	Any interaction that is mutually detrimental to both participants; occurs between species that share limited resources
deciduous	(of leaves), shed during a certain season (winter in temperate regions, dry seasons in the tropics); (of trees), having deciduous parts
demography, demographic	The study of populations with reference to birth and death rates, size and density, distribution, migration, and other vital statistics
diversity	Abundance in number of species in a given location
dominance	(ecological) Control within a community over environmental conditions influencing associated species by one or several species, plant or animal, enforced by number, density, or growth form; (social) Behavioral and hierarchical order in a population that gives high-ranking individuals priority of access to essential requirements
drought avoidance	Ability of a plant to escape dry periods by becoming dormant or surviving the period as a seed
drought resistance	Sum of drought tolerance and drought avoidance
drought tolerant	Ability of plants to maintain physiological activity in spite of the lack of water or to survive the drying of tissues
ecosystem	The biotic community and its abiotic environment functioning on a system
emigration	Permanent movement out of an area by part of a population

endemic, endemism	Restricted to a given region (e.g., endemic to California)
epiphyte	Organism that lives wholly on the surface of plants, deriving support but not nutrients from the plants
estuary	Partially enclosed embayment where fresh water and sea water meet and mix
forb	Herbaceous plant other than grass, sedge, or rush
fragmentation	Reduction of a large habitat area into small, scattered remnants; reduction of leaves and other organic matter into smaller particles
habitat	Place where a plant or animal lives
habitat protection	Ensuring appropriate uses of land to maintain and optimize species habitat values
herbivore	Organism that feeds on plant tissue
hybrid	Plant or animal resulting from a cross between genetically different parents
hydrologic regime	Seasonal water cycles and movements
immigration	Arrival of new individuals into a habitat or population
keystone species	Species that have key roles in shaping the environment that affects the presence or absence of other organisms; usually the presence of a keystone species leads to a greater variety of species
marsh	Wetland dominated by grassy vegetation, such as cattails and sedges
microhabitat	Localized areas with unique conditions due to small-scale variations in physical features of the landscape; that part of the habitat used by an organism
migration	Intentional, directional, and usually seasonal movement of animals between two regions or habitats; involves departure and return of the same individual
mitigation bank	Large blocks of land preserved, restored, and enhanced for the purpose of consolidating mitigation for and mitigating in advance for projects that take listed species
niche	Functional role of a species in the community, including activities and relationships
occurrences	Collection sites separated by 0.4 kilometer (0.25 mile) or more
old growth forest	Forest that has not been cut for decades nor disturbed by humans for hundreds of years
opportunistic species	Organisms able to exploit temporary habitats or conditions
pad	The fleshy flattened green stem of a cactus
predation	One living organism serves as a food source for another
revegetation	Planting of indigenous plants to replace natural vegetation that is damaged or removed as a result of highway or as a result of construction
riparian	Along banks of rivers and streams; riverbank forests are often called gallery forests

ruderal	Disturbed area with a prevalence of introduced weedy species. Ruderal habitats are associated with unpaved highway shoulders and weedy areas around and between dwellings and other structures.
savanna	A combination of grassland and woodland in which the trees are widely scattered
scrub	Shrubland dominated by shrubs less than 6 feet tall
species diversity	Measurement that relates density of organisms of each type present in a habitat to the number of species in a habitat
subspecies	Geographical unit of a species population distinguishable by certain morphological, behavioral, or physiological characteristics
taxon	A taxonomic unit of any rank, often used to refer to an entity that is considered by some to be a subspecies and others to be a species (plural: taxa)
territory	Area defended by an animal; varies among animals according to social behavior, social organization, and resource requirements of different species

Cultural

Technical Word or Term	Definition
debitage	By-products or waste materials left over from the manufacture of stone tools
chert	A very fine-grained rock formed in ancient ocean sediments. It often has a semi-glossy finish and is usually white, pinkish, brown, gray, or blue-gray in color. It can be shaped into arrowheads and projectiles by chipping.
ethnographic	Relating to the study of human cultures
Holocene	An epoch in geologic time, the last 11,000 years of the earth's history
lithic	Adjective meaning "stone"
midden	A prehistoric refuse heap, usually containing shells and/or bones
obsidian	A volcanic glass, which is one of the finest raw materials for the chipping of stone tools.
petroglyphs	Carvings or writings etched or "picked" in rock

Geology/Soils/Seismic/Topography & Paleontology

Technical Word or Term	Definition
A horizon	Surface stratum of mineral soil characterized by maximum accumulation of organic matter, maximum biological activity, and loss of such materials as iron, aluminum oxides, and clays
alluvial	Consisting of earth and sand that has been left by rivers, floods
alluvial fan	A fan-shaped area of soil deposited where a mountain stream first enters a valley or plain
alluvial soils	Soil developing from recent alluvium (see below); typical of floodplains
alluvium	Material developed by running water
borrow	Soil brought in from another area
edaphic	Factors pertaining to, or influenced by, soil or soil conditions
escarpment	Steep slope (formed by erosion or faulting)
extant	Still in existence
friable	Easily crumbled (as in friable soil)
glacial till deposit	Rock materials left by a melting glacier
igneous rocks	Formed when magma (liquid rock material) cools below the earth's surface or when lava cools aboveground
macrofossil	Fossils large enough to be inspected directly (without the use of a microscope)
magma	Liquid rock material
microfossil	Small fossils that must be inspected through a microscope
soil horizon	Developmental layer in the soil with its own characteristics of thickness, color, texture, structure, acidity, nutrient concentration, and the like
soil profile	Distinctive layering of horizons in the soil
soil series	Basic unit of soil classification consisting of soils that are essentially alike in all major profile characteristics except texture of the A horizon; soil series are usually names for the locality where the typical soil was first recorded
soil type	Lowest unit in the natural system of soil classification, consisting of soils that are alike in all characteristics including texture of the A horizon
stratum	A layer of sedimentary rock; plural is strata
stratigraphy	The study of rock layers, especially their formation, distribution, composition, and age
superposition	Meaning the oldest layer of rock is on the bottom and the youngest on the top
tuff	Geological formation composed of compressed volcanic ash

Hazardous Waste

Technical Word or Term	Definition
Maximum Contaminant Level (MCL)	EPA standard for the maximum permissible concentration of a contaminant in public water supplies. An MCL is based on laboratory detection limits, as well as the feasibility and cost of analysis and treatment of the regulated contaminant.
monitoring well	A well drilled at a hazardous waste management site or Superfund site to collect groundwater samples for the purpose of physical, chemical, or biological analysis to determine the amounts, types, and distribution of contaminants in the groundwater beneath the site.
nonpoint source	A nondiscernable source of pollution (e.g., agricultural or urban runoff and storm water).
point source	Distinct location from which wastes are discharged (e.g., pipes and sewers).

Noise

Technical Word or Term	Definition
ambient noise	Exterior sound (the surrounding sound from all sources near and far)
decibel	With respect to sound, decibels measure a scale from the threshold of human hearing, 0 decibels, upwards towards the threshold of pain, about 120-140 decibels. Because decibels are such a small measure, they are computed logarithmically and cannot be added arithmetically. An increase of 10 decibels is perceived by the human ear as a doubling of noise.
dBA	A-weighted decibels are adjusted to approximate the way the average person hears sound.
L_{dn}	Average noise over one day and night
Leq	A measure of the average noise level during a specified period of time.
Leq(h)	Equivalent or average noise level for the noisiest hour
Type I projects	A proposed federal or federal-aid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.
Type II projects	A proposed federal or federal-aid highway project for noise abatement on an existing highway

Paleontology (see Geology)

Visual

Technical Word or Term	Definition
viewshed	View; total visible area from the position of a single observer or the total visible area from observers in multiple positions.
visual resources	The natural and artificial features of a landscape that characterize its form, line, texture, and color
visual unity	The visual coherence and compositional harmony of a landscape when considered as a whole

Water Quality, Wetlands, and Storm Water Runoff (see also Biology)

Technical Word or Term	Definition
ephemeral	Temporary
hydric soil	Soil subject to saturation or inundation
hydrophilic	Water-loving (as in hydrophilic plants)
rip-rap	Broken rock or boulders placed on the bank of a stream or river to protect it from the erosive action of water.
scour	Erosion caused by moving water
swale	A wide shallow depression in the ground to form a channel for storm water drainage. Bio-swales or biofiltration swales are densely vegetated to filter runoff.
turbidity	Cloudiness (or a measure of the cloudiness in water due to the presence of suspended particulates)
watershed	The area of land that drains into a specific waterbody
weir	A dam in a stream to raise the water level or divert its flow.

Appendix D Minimization and/or Mitigation Summary

This appendix is a summary of minimization and/or mitigation measures required.

Visual/Aesthetic Resources

For all alternatives, the following minimization measures are required:

- VR-1: Preserve as much existing vegetation as possible throughout the project. Use prescriptive clearing, grubbing and grading techniques which save the maximum amount of vegetation.
- VR-2: Disturbed areas within the projects limits not specifically designed as rockfall catchment areas or as recoverable surfaces should be graded to look as natural as possible. Roadside grading should include broad, random undulations, gently rounded transitions between adjacent slope faces and varied planar surfaces.

For Alternative 1 (Option A, B, or C), the following mitigation measures are required:

- VR-3: Disturbed rock surfaces shall employ rock-sculpting in order to create textured slope-faces similar in appearance to the existing natural rock formation surfaces seen in the vicinity.
- VR-4: Following sculpting, disturbed rock surfaces shall be colored to reduce noticeability and to match the appearance of the weathered rock formations seen in the vicinity.
- VR-5: Sculpting and coloring shall be designed and approved in consultation with the Caltrans Landscape Architect.
- VR-6: During on-site rock excavation, the Caltrans Landscape Architect shall be present and provide recommendations to the Resident Engineer regarding approval of project aesthetics.
- VR-7: Any trees removed shall be replaced at a type and ratio determined by a Caltrans Biologist and District Landscape Architect. Replacement trees should be planted as close to the area of impact as possible, considering safety standards.

Biological Resources

For all alternatives, the following mitigation measures are required:

- ASR-2: A construction avoidance window will be implemented for greater sage-grouse lek season avoidance, March 15–June 30.
- ASR-3: Preconstruction surveys for nesting and migratory birds will be conducted at least 2 days prior to start of construction, within 250 feet of the project impact area (PIA) in all available nesting habitats (structures, trees, shrubs, ground, and cliffs).

- WR-2: Mitigation acreage will be replaced at a minimum ratio of 1.5:1 (1.5 compensation acres for each impacted acre) to mitigate effects to wetlands below a level of significance.

Archaeological Resources

Caltrans will mitigate effects to archaeological resources through the implementation of the following:

- CR-1: A Project Agreement will be developed in coordination with the State Historic Preservation Officer, and implemented by a Caltrans Archaeologist before construction, for the recovery of information that otherwise would have been lost during construction activities.
- CR-2: A Data Recovery Plan will be developed to mitigate impacts to historic properties, once an alternative has been selected.

Appendix E List of Acronyms

ADA – Americans with Disabilities Act
APE – Area of Potential Effect
ARPA – Archaeological Resources Protection Act
BLM – Bureau of Land Management
BSA – Biological Study Area
Caltrans – California Department of Transportation
CEQA – California Environmental Quality Act
CESA – California Endangered Species Act
CFR – Code of Federal Regulations
CHP – California Highway Patrol
CNPS – California Native Plant Society
CWA – Clean Water Act
DOD – Department of Defense
EIR/EA – Environmental Impact Report/Environmental Assessment
EIS – Environmental Impact Statement
ETW – Edge of traveled way
FESA – Federal Endangered Species Act
FHWA – Federal Highway Administration
FONSI – Finding of No Significant Impact
IRRS – Interregional Road System
LADWP – Los Angeles Department of Water and Power
LEDPA – Least environmentally damaging practicable alternative
MLD – Most likely descendent
NAHC – Native American Heritage Council
NEPA – National Environmental Policy Act
NHPA – National Historic Preservation Act
NHS – National Highway System
NOA – Notice of Approval
NOD – Notice of Determination
NRHP – National Register of Historic Places
NRCS – Natural Resources Conservation Service
OV – Observer Viewpoint
PRC – Public Resources Code
RC – resource change
RTP – Regional Transportation Plan
RWQCB – Regional Water Quality Control Board
SHPO – State Historic Preservation Officer
SSC – Species of Special Concern
STAA – Federal Surface Transportation Assistance Act
SWRCB – State Water Resources Control Board
TCR – Transportation Concept Report
USACOE – U.S. Army Corps of Engineers
USC – U.S. Code

USDOT – U.S. Department of Transportation
USEPA – U.S. Environmental Protection Agency
USFS – U.S. Forest Service
USFWS – U.S. Fish and Wildlife Service
VIA – Visual Impact Assessment
U.S. 395 – U.S. Highway 395

Appendix F SHPO Concurrence

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

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August 8, 2016

Reply in Reference To: FHWA_2016_0426_001

Angela Calloway, Office Chief
California Department of Transportation
Caltrans District 9, Environmental
500 South Main Street
Bishop, CA 93514

Subject: Aspen Fales Shoulder Widening Project, Mono County, California 09-MNO-395, PM 88.42-91.55

Dear Ms. Calloway:

The Office of Historic Preservation (OHP) received your letter on July 26, 2016 with regard to the above-referenced undertaking. The California Department of Transportation, District 9 (Caltrans) is consulting with the State Historic Preservation Officer (SHPO) in accordance with the January 2014 First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Office, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the to the Administration of the Federal-Aid Highway Program in California (Section 106 PA). Pursuant to Stipulation VIII.C.6 of the Section 106 PA, Caltrans is requesting SHPO concurrence on their determinations of eligibility of six cultural resources within the area of potential effect (APE). The following documentation was submitted with your letter:

- *Historic Property Survey Report for the Aspen Fales Shoulder Widening Project* (HPSR) (Zolnoski and MacDonald 2016)

On April 22, 2016 our office received an earlier submittal for this undertaking that included a former version of the HPSR. The newly submitted HPSR has since been revised based on consultation between Caltrans, District 9 cultural resource staff and OHP staff (personal email communication, Stacey Zolnoski, June 7, 13, and 29 2016).

Caltrans proposes to widen paved shoulders from 2 to 8 feet wide on US 395 in Mono County. The undertaking also includes the installation of rumble strips, the removal of obstructions from the clear recovery zone, the extension and/or upgrade of drainage structures and curve correction.

Identification efforts conducted for this undertaking identified the following 16 cultural resources (three multi-component, six prehistoric, three historic-era, and four built environment) within the APE:

- P-26-002184: a multi-component site consisting of two rock shelters with midden deposits and an extensive lithic scatter, and a historic-era refuse scatter;
- P-26-002213: a multi-component site consisting of a lithic scatter, groundstone and bedrock mortar, and historic-era refuse scatter;
- P-26-005877: a prehistoric lithic scatter and groundstone;
- P-26-005878: a prehistoric lithic scatter;
- P-26-005879: a prehistoric lithic scatter;
- P-26-005906: an architectural resource known as the Sonora and Mono Wagon Road/TY3899;
- P-26-006650: historic-era refuse deposit;
- P-26-006690: historic-era refuse deposit;
- P-26-008103: a ca. 1930 historic-era seasonal livestock camp;
- P-26-008105: a prehistoric lithic scatter;
- P-26-008108: a multi-component archaeological and architectural resource, Fales Hot Springs Resort;
- P-26-008109: a historic-era irrigation ditch;
- P-26-008111: a historic-era irrigation ditch;
- P-26-008114: historic-era arborglyphs;
- P-26-008285: a prehistoric lithic scatter; and
- P-26-008286: a small stack of 12 granitic cobbles.

Of the 16 cultural resources identified within the APE, Caltrans District 9 determined that P-26-002184, -005879, -008103, -008109, -008111, and -008286 required evaluation of eligibility according to the National Register of Historic Places (NRHP) criteria. Efforts to evaluate cultural resource were conducted by prehistoric archaeologists with Far Western Anthropological Research Group, Inc. and architectural historians and historical archaeologists with JRP Historical Consulting, LLC. Based on evaluation efforts, Caltrans has determined the following:

- The prehistoric archaeological component of P-26-002184 is eligible for listing on the NRHP under Criterion D. The historic-era component was not evaluated;
- P-26-005879 is eligible for listing on the NRHP under Criterion D as it can contribute to regional research issues relating to upland land use during the Newberry Period; and
- P-26-008103, P-26-008109, P-26-008111, and P-26-008286 are ineligible for listing on the NRHP under all criteria.

FHWA_2016_0426_001

Identification efforts also assessed whether or not a Traditional Cultural Property (TCP), relating to Basque sheepherders and/or Indian tribes and communities existed within the APE along with efforts to identify the presence/absence of a rural historic landscape or district within the APE. The study results concluded that no TCPs, districts and/or landscapes exist within the APE. Upon review of your letter and supporting documentation, **I concur** with your determinations.

Pursuant to Stipulation VIII.C.3 of the Section 106 PA, Caltrans, District 9 will assume P-26-002213, -5877, -5878, -8105, -8108, and -8114 as eligible for listing on the NRHP under Criterion D for the purposes of this undertaking only. Caltrans will also assume P-26-008285 and -5906 as eligible for listing on the NRHP per Stipulation VIII.C.4 of the Section 106 PA because evaluation was not possible.

Thank you for seeking my comments and considering historic properties as part of your undertaking, and I look forward to continuing consultation with Caltrans, District 9 on their finding of effect. If you require further information, please contact Alicia Perez of my staff at 916-445-7020 or Alicia.Perez@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Appendix G Memorandum of Agreement-Between State Historic Preservation Officer and Caltrans

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE ASPEN FALES SHOULDER WIDENING PROJECT IN MONO COUNTY, CALIFORNIA

WHEREAS, the Federal Highway Administration (FHWA) has assigned and the California Department of Transportation (Caltrans) has assumed FHWA responsibility for environmental review, consultation, and coordination under the provisions of the *Memorandum of Understanding between the Federal Highway Administration and the California Department of Transportation's Participation in the Project Delivery Program Pursuant to 23 U.S.C. 327*, which became effective October 1, 2012 and applies to this undertaking; and

WHEREAS, Caltrans has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), Caltrans is deemed to be a federal agency for all highway-aid projects it has assumed, and in that capacity Caltrans has assigned the role of "agency official" to the Caltrans Division of Environmental Analysis (DEA) Chief for the purpose of compliance with 36 CFR 800 and is responsible for oversight of District environmental responsibilities. To provide for effective compliance, day-to-day responsibilities and coordination of the Section 106 process are further delegated to the DEA Cultural Studies Office (CSO) Chief; and

WHEREAS, Caltrans has determined that the Aspen Fales Shoulder Widening Project (Undertaking) on State Route 395 in Mono County (Attachment A), will have an adverse effect on prehistoric archaeological site CA-MNO-5941, a property determined eligible for inclusion on the National Register of Historic Places (NRHP) under Criterion D (with concurrence from the SHPO), therefore, is a historic property as defined at 36 CFR Part 800.16(l)(1). Caltrans has thoroughly considered alternatives to the Undertaking, has determined that the statutory and regulatory constraints on the design of the Undertaking preclude the possibility of avoiding adverse effects to prehistoric archaeological site CA-MNO-5941 during the Undertaking's implementation, and has further determined that it will resolve adverse effects of the Undertaking on the CA-MNO-5941 through execution and implementation of this Memorandum of Agreement (MOA); and

WHEREAS, Caltrans has eliminated all alternatives that would adversely affect the Devil's Gate rock formation and adjacent archaeological site CA-MNO-5937. Previously, limited access to a parcel within the Area of Potential Effect (APE) for Alternative 1 prevented the complete identification and evaluation of CA-MNO-5937. Caltrans in consultation with SHPO had previously agreed that if Alternative 1 were selected, a PA would be an appropriate means to ensure completion of the phased identification and evaluation of this resource. Since Alternative 1 was not selected and there will be no adverse effect to CA-MNO-5937, there is no longer a

need to conduct phased identification and evaluation of CA-MNO-5937 as the resource will be avoided and protected as an Environmentally Sensitive Area (ESA);

WHEREAS, Caltrans has consulted with the SHPO pursuant to Stipulations X.C, and XI of the Section 106 PA and, where the Section 106 PA so directs, in accordance with 36 CFR Part 800, the regulations implementing Section 106 of the NHPA of 1966 (16 USC Section 470f), as amended, regarding the Undertaking's effect on historic properties and will file a copy of this MOA with the Advisory Council on Historic Preservation (ACHP) in accordance with Stipulation X.C.3.b of the Section 106 PA; and

WHEREAS, Caltrans has participated in consultation with the Bridgeport Indian Colony, the Tuolumne Band of Me-wuk, the Washoe Tribe of Nevada, the Benton Paiute Reservation, the Mono Lake Kutzadika'a, the Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley regarding the Undertaking and its effects on historic properties (Attachment B). The Bridgeport Indian Colony and the Washoe Tribe of Nevada (Tribes) have been actively involved in consultation and have been invited to participate in this MOA as a concurring parties; and

WHEREAS, Caltrans District 9 (District), has a responsibility to fulfill terms of this MOA and is participating as an invited signatory; and

NOW, THEREFORE, Caltrans and the SHPO agree that, upon Caltrans' decision to proceed with the Undertaking, Caltrans shall ensure that the Undertaking is implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties, and agrees that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

Caltrans shall ensure that the following stipulations are implemented:

I. AREA OF POTENTIAL EFFECTS

A. The APE was designed in accordance with Stipulation VIII.A of the Section 106 PA and is depicted in Figure 3 of Attachment A of this MOA. The APE was delineated to include all areas where work is proposed such as cut and fill areas, culvert replacements, rock removal and staging of equipment. In areas where the proposed project impacts encroach upon any portion of an archaeological site boundary, even partially, the entire site boundaries have been included. The original APE was revised on March 13, 2017 after the selection of Alternative 2B, significantly reducing the project footprint in the vicinity of the Devil's Gate rock formation.

B. If Caltrans determines that additional APE revisions are necessary, Caltrans shall inform the consulting parties of the revisions and consult for no more than 15 days to reach agreement on the proposed revisions. If Caltrans, the SHPO, and other appropriate signatories cannot reach such agreement, then the parties to this MOA shall resolve the dispute in accordance with Stipulation VI.B below. If all parties reach mutual agreement

on the proposed revisions, Caltrans will submit a new APE map reflecting the revisions, consistent with Stipulation VIII.A and Attachment 3 of the Section 106 PA, no later than 30 days following such agreement. Any further investigation or document necessitated by the revised APE will follow the procedures for the identification and evaluation of potential Historic Properties as specified in Stipulation VIII of the Section 106 PA and in accordance with 36 CFR §800.4(a)(2-4) and 88.4(b). Amendment of the APE will not require an amendment to the MOA. The revised APE and supporting documentation shall be incorporated into Attachment A to this MOA.

II. TREATMENT OF HISTORIC PROPERTIES

Caltrans shall ensure that adverse effects to CA-MNO-5941 resulting from the Undertaking are resolved through the development and implementation of a Data Recovery Plan (DRP). The DRP sets forth measures that will be taken to resolve adverse effects to CA-MNO-5941. Data recovery is prescribed for archaeological deposits contributing to the National Register eligibility of this historic property within the Undertaking's construction area of direct impact (ADI). Caltrans shall ensure against incidental damage to those portions of CA-MNO-5941 outside the ADI, with the establishment of an Environmentally Sensitive Area (ESA) around these areas. The ESA shall conform to the stipulations and Attachment 5 of the Section 106 PA. The ESA Action Plan is Attachment C of this MOA.

Within six months of the execution of this MOA, Caltrans will prepare a draft DRP and initiate the consultation process outlined in Stipulation II.B, below. The draft DRP will be submitted to CSO and SHPO for approval following the procedures outlined in Stipulation II.B.

A. Data Recovery Plan: The DRP shall be written by, and subsequent archaeological testing and analysis shall be performed by, the Caltrans District 9 on-call consultant, Far Western Anthropological Research Group, Inc. (Far Western). Far Western was responsible for conducting all previous phases of study and analysis for this project, including identification and evaluation.

The format and content of the DRP shall follow the Attachment 6 of the Section 106 PA. At minimum the DRP shall include, but will not be limited to the following information, which will draw from and expand upon the research conducted during the initial evaluation of CA-MNO-5941:

*1) **Site Significance and Research Issues:***

a. National Register Significance: Caltrans, in consultation with the SHPO, has determined that CA-MNO-5941 is eligible to the NRHP under Criterion D based upon its contribution to regional research issues related to upland land use during the Newberry Period.

b. *Research issues:*

   i. Upland Land Use, a Natural Transportation Corridor, and Hot Springs: The Devil's Gate is a natural transportation corridor to and from residential locations, as well as important obsidian sources in and around the foothills of the eastern sierras. The study area also contains hot springs which may have served as a natural stopover camp for people traveling from the Bodie Hills quarry and for more local movement between Bridgeport and Antelope Valley, or as a possible meeting place for people from different areas.

   ii. Chronology: The site's chronology can be interpreted through the identification and analysis of temporal artifacts and/or material suitable for radiocarbon or obsidian hydration dating, and their association with useful archaeological assemblages which may include stone tools, floral and faunal remains and/or features.

c. *Results from Previous Research:* Recent archaeological testing of CA-MNO-5941 suggests that the site has the potential to contribute to regional research questions about subsistence practices and the use of upland landscapes during the Newberry Period. Two fragments of fire-affected rock contained identifiable starch grains including rice grass (*Stipa hymenoides)* brome (*Bromus* spp.) and a stone fruit (*Prunus* spp.). Rice grass is common in the site vicinity and throughout the study area. Desert peach was observed in the vicinity of Fales Hot Springs but not in the immediate vicinity of CA-MNO-5941, suggesting that the fruit was brought to the site from nearby patches. The presence of fire affected rock suggest that at least one undiscovered cooking feature may be buried within the ADI. While lack of comparative samples render the starch results preliminary, the abundance of starch grains suggest that further research is promising.

d. *Data Needs:*

   i. Upland land use: Artifacts and debitage assemblage analysis and obsidian sourcing and hydration will provide data that may help distinguish between places and resource extraction, obsidian transport, and more extended residential occupation. Flaked and ground stone artifact analyses will focus on assemblage diversity, and whether tools were formally or casually made, used for prolonged periods, or quickly discarded.

   ii. Chronology: The site must contain time-sensitive artifacts and/or material suitable for radiocarbon or obsidian hydration dating, preferably from intact stratigraphic context(s). Additional testing within the ADI may produce time sensitive artifacts or important assemblages which will add to our understanding of chronology at the local level.

2) ***Proposed Investigations:***

a. Field Methods and Techniques:

i. The consultant, in consultation with the Caltrans District archaeologist, will determine the specific methods, precise locations, number and configuration of excavation units. Excavation shall be focused on the portions of site CA-MNO-5941 within the ADI.

ii. Control Units shall be hand excavated in 10 cm levels and documented in a systematic manner including level record forms and soil descriptions. All materials will be dry-screened through 1/8" mesh. Floatation samples will be taken where appropriate. All cultural materials will be collected for laboratory processing and analysis.

b. Laboratory Processing and Analyses:

i. Materials generated from data recovery shall be inventoried, described, cleaned, cataloged and analyzed according to the nature of the material. Retained materials will be cataloged according to standards mandated by 36 CFR 79. A catalogue of all materials excavated from the site (including previous XPI/PII testing) shall be provided as an appendix to the final Data Recovery Report.

ii. Time sensitive artifacts shall be classified following the appropriate regional typological schemes and summarized.

iii. Formed tools such as cores and bifaces shall be further subdivided based upon reduction stage and will be measured, weighed and described.

iv. Debitage shall be counted, weighed, sorted by material type and shall undergo technological analysis.

v. Battered and ground stone artifacts shall be measured, classified and separated into functional categories with a description of tool morphology, fragment type and modifications.

vi. Flotation samples shall be analyzed to recover radiocarbon samples and information on prehistoric plant foods. Starch grain analysis shall be performed where appropriate.

vii. Charred organic materials will be analyzed for radiocarbon dates to provide chronological data.

viii. Obsidian samples will undergo X-ray florescence source analysis and obsidian hydration analysis to determine geochemical sourcing.

ix. Any other materials, such as shell or bone artifacts, shall be classified and separated into appropriate functional categories, classified, and discussed using regional typologies where appropriate.

x. Additional laboratory analysis may be performed on recovered materials as determined appropriate by the consultant archaeologist and the Caltrans District archaeologist, such as in the case of unanticipated material types and innovative analysis methodologies.

c. *Report Preparation:* A comprehensive technical report shall be prepared that describes and interprets the results from data recovery. The report shall synthesize archaeological data recovered in order to document the significance of the finds. The report will meet the *Secretary of Interior Standards for Archaeological Documentation*.

3) ***Dissemination of Information and Public Outreach:***

a. Research findings shall be disseminated through the preparation of a technical report containing the details of data recovery, which will then be distributed to MOA participants and other repositories and interested parties such as the Eastern Information Center of the California Historical Resources Information System, the Tribes, Humboldt-Toiyabe National Forest, and professional peers.

b. A discussion that explains why it is in the public interest to pursue answers to these research questions. The discussion should indicate whether, why, and how the public may benefit from the scope and nature of the information developed through data recovery. Through continued consultation, the District will continue to investigate appropriate ways to incorporate research findings with public involvement and educational or interpretive programs.

4) ***Native American Coordination, Monitoring, Post Review Discoveries and Treatment of Human Remains:***

a. Caltrans will continue to consult with the Bridgeport Indian Colony and the Washoe Tribe of Nevada through data recovery, construction and the final disposition of cultural materials that are removed from the project area.

b. A Native American monitor will be present during ground-disturbing activities that occur within the boundaries of known historic properties during data recovery and construction.

c. In the event that human remains are identified, procedures will follow the process outlined in Stipulation IV of this MOA.

d. Post review discoveries will be treated in accordance with Stipulation V of this MOA.

5) ***Personnel and Professional Standards:***

   a. Caltrans PQS at the Principal Investigator level will oversee all work for Prehistoric Archaeology.

   b. The consultant Principal Investigator must meet the Secretary of Interior Professional Qualification Standards for Prehistoric Archaeology and will be responsible for the overall planning and professional quality of resource evaluations and recommendations.

   c. All consultant field and laboratory crews will exceed the minimum requirements of Caltrans for PQS as outlined in Attachment 1 of the Caltrans 106 PA.

6) ***Curation:***

   a. Caltrans will work with the appropriate landowners to determine the future disposition of cultural materials that were recovered from their property. Each respective landowner may choose to: (1) retain possession of the collection, (2) donate the collection to the tribe(s), (3) donate the collection to the State, or (4) any combination of the above.

   b. If the collection is donated to the State, the recovered materials along with the pertinent records, will be curated in accordance with 36 CFR Part 79 and the Office of Historic Preservation's *Guidance for the Curation of Archaeological Collections*.

7) ***Anticipated Scope and Schedule:*** At present, the anticipated construction work will take place during the summer of 2019. In order to meet the needs of the current construction schedule, the data recovery must be conducted sometime during the spring or summer of 2018. At present, the specific cost associated with data recovery and subsequent archaeological and Native American construction monitoring activities is unknown.

B. Data Recovery Plan Review and Implementation

1) Upon completion of the Caltrans approved Draft Data Recovery Plan, the document shall be circulated to the Tribes for a period of 45 days for review and comment.

2) Caltrans shall consider and incorporate comments from the Tribes into the Draft Data Recovery Plan, as appropriate. Caltrans shall provide the Tribes with written documentation indicating whether and how the draft Data Recovery Plan will be modified in accordance with any comments received. If no comments are received during the 45-day review period, Caltrans may move forward, however this shall not preclude Caltrans from authorizing revisions to the Draft Data Recovery Plan, as Caltrans deems appropriate.

3) Once comments, if any, from the Tribes have been incorporated into the Draft Data Recovery Plan, the document shall be distributed to the SHPO for 45 days for review and comment. If no comments are received within 45 days of SHPO receiving the Draft Data Recovery Plan, and SHPO does not request additional time to review the document, Caltrans may move forward under the assumption that SHPO concurs with the document and shall finalize the Data Recovery Plan

4) Caltrans shall consider and incorporate comments, if any, from SHPO, as appropriate. If SHPO commented, as provided by Stipulation II.B(3), Caltrans shall receive SHPO approval of the revised Draft Data Recovery Plan before finalizing the Data Recovery Plan and before construction can commence.

5) Any unresolved objections to the Final Data Recovery Plan shall follow procedures outlined in Stipulation VI.B. of this MOA.

6) Caltrans will not authorize the execution of any Undertaking activity that may adversely affect (36 CFR 800.5(a)(1)) historic properties in the Undertaking's APE prior to the completion of the fieldwork defined in the Data Recovery Plan.

7) Once implemented, any party of this MOA may propose to amend the Data Recovery Plan. Such amendment will not require amendment of this MOA. Consultation for amendments will be no longer than 30 days in duration. Disputes regarding amendments proposed hereunder shall be addressed through further consultation among the MOA parties, and a reasonable time frame for such consultation shall be established by Caltrans of not less than fifteen days unless agreed upon by the signatories. If the dispute is resolved within this time frame, the MOA parties shall proceed in accordance with the terms of that resolution. If the dispute is not resolved within this time frame, Caltrans shall render a final decision regarding the dispute and the MOA parties shall proceed in accordance with the terms of that decision.

8) The Final Data Recovery Plan shall be submitted to all parties of this MOA within 12 months of the execution of this MOA. If this MOA is amended for any reason, this deadline may be extended up to the number of days spent on consultation for any amendments made after the execution of this MOA.

C. Reporting Requirements and Related Reviews

1) Within 30 days of the completion of fieldwork required under Stipulation II.B., Caltrans shall ensure the preparation of a letter report that summarizes field efforts and preliminary findings resulting from data recovery and the subsequent distribution of the letter report to all parties of this MOA for a 30 day review and comment period. Comments will be shared with SHPO prior to finalization of the letter report. The finalized letter report will then subsequently be distributed to the MOA parties.

2) Within 12 months of the completion of fieldwork required under Stipulation II.B., Caltrans shall ensure the preparation of a draft technical report that documents the

results from data recovery and the subsequent distribution of the draft technical report, to all parties of this MOA, for a 30-day review and comment period. Failure to respond within this time frame shall not preclude Caltrans from authorizing revisions to the draft technical report, as Caltrans may deem appropriate. Caltrans shall provide the other parties of this MOA with written documentation indicating whether and how the draft technical report will be modified in accordance with any comments received from the other MOA parties. Unless any MOA party objects to this documentation in writing to Caltrans within 30 days following receipt, Caltrans may modify the draft technical report, as Caltrans may deem appropriate. Thereafter, Caltrans may issue the technical report in final form and distribute this document in accordance with paragraph 3 of this stipulation.

3) Caltrans will distribute copies of the final technical report which documents the results from data recovery to the other parties of this MOA, to the Eastern Information Center of the California Historic Resources Information System (CHRIS) Regional Information Center, and to the Tribes.

4) In addition to the documentation and reporting described in this stipulation, Caltrans shall provide the parties to this agreement an annual update. Such update shall include any scheduling changes proposed, any problems encountered, failures to adopt proposed mitigation measures, and any disputes and objections received in response to the District's efforts to carry out the terms of this MOA. The report will be due no later than December 31, 2017 and continuing throughout the duration of the MOA. At the request of any party to this MOA, or if deemed necessary, Caltrans shall ensure that one or more meetings are held to facilitate review and comment, to resolve questions, or to resolve adverse comments.

D. Environmentally Sensitive Area Action Plan

1) Caltrans shall ensure that adverse effects to CA-MNO-5889, CA-MNO-5885/H, CA-MNO-5882, CA-MNO-5940, CA-MNO-5939, CA-MNO-5937, CA-MNO-2184/H, and CA-MNO-2113/H are avoided with the establishment of Environmentally Sensitive Areas (ESA), which shall be described in the final construction plans of the Undertaking (Attachment C). Caltrans shall further ensure that: 1) the installation and removal of temporary ESA fencing is monitored by a qualified archaeologist, and 2) the integrity of the ESA fence lines as installed, will be periodically monitored by a qualified archaeologist throughout construction.

2) If Caltrans determines that revisions to the current ESAs are necessary, which would not adversely affect a historic property, Caltrans shall inform the consulting parties of the revisions and afford them a 15-day opportunity to object. If Caltrans determines that revisions to the current ESAs would adversely affect a historic property that was previously determined to have no adverse effect, Caltrans shall reinitiate consultation with SHPO and the Tribes regarding additional adverse effects to historic properties and seek to amend this MOA to resolve the new adverse effect in accordance with Stipulation VI.C below.

3) If there are no objections, Caltrans shall move forward with the revisions to the ESA Action plan, which will then be provided to the consulting parties.

III. NATIVE AMERICAN CONSULTATION

Caltrans is consulting, and will continue to consult with the Bridgeport Indian Colony, the Tuolumne Band of Me-wuk, the Washoe Tribe of Nevada, the Benton Paiute Reservation, the Mono Lake Kutzadika'a, the Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley regarding the proposed Undertaking and its effects on historic properties (Attachment B). If other tribes or Native American groups who attach religious or cultural significance to historic properties that may be affected by the Undertaking are identified, Caltrans will invite them to participate as consulting parties as the Section 106 process moves forward.

IV. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

As legally mandated, human remains and related items discovered on privately-owned land during the implementation of the terms of this MOA and the Undertaking will be treated in accordance with the requirements of Health and Safety Code Section 7050.5(b). If pursuant to of Health and Safety Code Section 7050.5(c) the coroner determines that the human remains are or may be those of a Native American, then the discovery shall be treated in accordance with the provisions of Public Resources Code Sections 5097.98 (a)-(d). Caltrans shall ensure that, to the extent permitted by applicable law and regulation, the view of the Most Likely Descendent(s), as determined by the California Native American Heritage Commission, is taken into consideration when decisions are made about the disposition of Native American human remains and associated objects.

Human remains and related items discovered on Federally-owned lands during the implementation of the terms of this MOA and the Undertaking will be treated in accordance with the Native American Graves Repatriation Act of 1990 (NAGPRA) (23 USC 3001). All activities within the vicinity of the discovery will be stopped and both the Caltrans Archaeologist and the Humboldt-Toiyabe National Forest Archaeologist will be consulted on how to proceed. The procedures for dealing with the discovery of human remains, funerary objects, or sacred objects on Federal land are described in the regulations that implement NAGPRA 43 CFR Part 10. All work in the vicinity of the discovery shall be halted and the Death Valley National Park Archaeologist shall be notified immediately. This notification shall be followed by a written report within 48 hours. The Undertaking's implementation/ construction in the vicinity of the discovery may not resume until Humboldt-Toiyabe National Forest complies with the 43 CFR Part 10 regulations and provides notification to proceed. The responsible Federal agency official (43 CFR 10.2(2)) will be Humboldt-Toiyabe National Forest.

V. DISCOVERIES AND UNANTICPATED EFFECTS

If Caltrans determines during construction of the Undertaking, that the Undertaking will affect a previously unidentified property that may be eligible for the National Register, or affect a known historic property in an unanticipated manner, Caltrans will address the

discovery or unanticipated effect in accordance with Stipulation XV.B of the Section 106 PA. Caltrans, at its discretion, may hereunder assume any discovered property to be eligible for inclusion in the National Register in accordance with 36 CFR §800.13(c).

VI. ADMINISTRATIVE PROVISIONS

A. STANDARDS

1. **Definitions.** The definitions provided at 36 CFR §800.16 are applicable throughout this MOA.
2. Parties to this agreement are defined as follows:
   a. **Signatory parties** have the sole authority to execute, amend, or terminate this MOA.
   b. **Invited signatory parties** have the same rights to terminate or amend this MOA as the other signatories.
   c. **Concurring parties** signing this MOA do so to acknowledge their agreement or concurrence with the MOA, but have no legal authority under the MOA to terminate or amend this MOA. Concurring with the terms of this MOA does not constitute their agreement with the Undertaking.

3. **Professional Qualifications.** Caltrans will ensure that only individuals meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44738-39) (PQS) in the relevant field of study carry out or review appropriateness and quality of the actions and products required by Stipulations I, II, III, V, and VI in this MOA. However, nothing in this stipulation may be interpreted to preclude Caltrans or any agent or contractor thereof from using the properly supervised (under the direct supervision of an individual(s) meeting the PQS) services of persons who do not meet the PQS.

4. **Documentation Standards.** Written documentation of activities prescribed by Stipulations I, II, III, VI and V of this MOA shall conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable standards and guidelines established by the SHPO.

5. **Confidentiality.** The MOA parties acknowledge that the historic properties covered by this MOA are subject to the provisions of § 304 of the National Historic Preservation Act (NHPA) and § 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archaeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with said sections.

6. **Curation and Curation Standards.** If legal owner(s) of materials resulting from the activities presented by this MOA choose to curate those materials, Caltrans shall

ensure that, to the extent permitted under § 5097.98 and § 5097.991 of the California Public Resources Code and the Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001-3013] and its implementing regulations (43 CFR Part 10), materials and records shall be curated in accordance with 36 CFR §79. Caltrans shall ensure that the views of the consulting parties are taken into consideration prior to decisions being made about the final disposition of archaeological materials resulting from activities prescribed by this MOA.

B. RESOLVING OBJECTIONS

1. Should any party to this MOA object at any time in writing to the manner in which the terms of this MOA are implemented, to any action carried out or proposed with respect to implementation of the MOA (other than the Undertaking itself), or to any documentation prepared in accordance with and subject to the terms of this MOA, Caltrans shall immediately notify the other MOA parties of the objection, request their comments on the objection within 15 days following receipt of Caltrans' notification, and proceed to consult with the objecting party for no more than 30 days to resolve the objection. Caltrans will honor the request of the other parties to participate in the consultation and will take any comments provided by those parties into account.

2. If the objection is resolved during the 30-day consultation period, Caltrans may proceed with the disputed action in accordance with the terms of such resolution.

3. If at the end of the 30-day consultation period, Caltrans determines that the objection cannot be resolved through such consultation, then Caltrans shall forward all documentation relevant to the objection to the ACHP, including Caltrans' proposed response to the objection to the ACHP, including the Caltrans proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:

    a. Advise Caltrans that the ACHP concurs in the Caltrans proposed response to the objection, whereupon Caltrans will respond to the objection accordingly. The objection shall thereby be resolved; or

    b. Provide Caltrans with recommendations, which Caltrans will take into account in reaching a final decision regarding its response to the objection. The objection shall thereby be resolved; or

    c. Notify Caltrans that the objection will be referred for comment pursuant to 36 CFR § 800.7(c) and proceed to refer the objection and comment. Caltrans shall take the resulting comments into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA. The objection shall thereby be resolved.

4. If the ACHP does not exercise one of the above options within the 30 day time period, Caltrans may make a final decision on the dispute and proceed accordingly. The objection shall thereby be resolved.

5. Caltrans shall take into account any of the ACHP's recommendations or comments provided in accordance with this stipulation with reference only to the subject of the objection. Caltrans' responsibility to carry out all actions subject to the terms under this MOA that are not the subjects of the objection shall remain unchanged.

6. Caltrans shall immediately notify all MOA parties in writing of the outcome of objections resolved through consultation with the ACHP through sections B.3 and B.4 of this stipulation.

7. At any time during implementation of the measures stipulated in this MOA, should a member of the public raise an objection, in writing, pertaining to such implementation to any signatory party to this MOA, that signatory party shall immediately notify Caltrans. Caltrans shall immediately notify the other signatory parties, in writing, of the objection. Any signatory party may choose to comment, in writing, on the objection to Caltrans during a comment period of not less than fifteen days following receipt of the notification, unless agreed upon by signatories. Caltrans shall consider the objection and, in reaching its decision, Caltrans will take all comments from the other signatory parties into account. A copy of all comments will be provided to the SHPO before final decision by District. Within 15 days following closure of the comment period, Caltrans will render a decision regarding the objection and respond to the objecting party. Caltrans will promptly notify the other signatory parties of its decision, in writing, including a copy of the response to the objecting party. The Caltrans decision regarding resolution of the objection will be final. Following issuance of its final decision, Caltrans may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

8. Caltrans shall provide all parties to this MOA and the ACHP, if the ACHP has commented, and any parties that have objected pursuant to section 1 of this stipulation, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.

9. Caltrans may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

C. AMENDMENTS

1. Any signatory party to this MOA may propose that this MOA be amended, whereupon all signatory parties shall consult for no more than thirty (30) days to consider such an amendment. The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories cannot agree to appropriate terms to amend this MOA, any signatory may terminate this MOA in accordance with Stipulation VII.E, below.

2. Attachments to this MOA may be amended through consultation as prescribed in Stipulation I or Section D of Stipulation II, as appropriate, without amending the MOA proper.

D. TERMINATION

1. If this MOA is not amended as provided for in Section C of this Stipulation, or if either signatory proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other parties, explain the reasons for proposing termination, and consult with the other parties for at least thirty (30) days to seek alternatives to termination. Such consultation shall not be required if Caltrans proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR §800.16(y).

2. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with the terms of that agreement.

3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other parties of this MOA in writing. Termination hereunder shall render this MOA without further force or effect.

4. If this MOA is terminated hereunder, and if Caltrans determines that the Undertaking will nonetheless proceed, then Caltrans shall comply with the requirements of 36 CFR §800.3-800.6, or request the comments of the ACHP, pursuant to 36 CFR Part 800.7(a).

E. ANNUAL REPORTING

Caltrans will prepare annual progress reports regarding the stipulation measures, to be circulated among the parties to this MOA. Such updates shall include any scheduling changes proposed, any problems encountered, failures to adopt proposed mitigation measures, and any disputes and objections received in Caltrans' efforts to carry out the terms of this MOA. The update will be due no later than December 31 of each year, beginning December 31, 2017 and continuing annually thereafter throughout the duration of this MOA. At the request of any party to this MOA, or if deemed necessary at least on an annual basis, Caltrans shall ensure that one or more meetings are held to facilitate review and comment, and to resolve questions and comments.

F. DURATION OF THE MOA

1. Unless terminated pursuant to Section D. of this stipulation, or unless it is superseded by an amended MOA, this MOA will be in effect following execution by the signatory parties for no more than five (5) years following the date of execution by the signatory parties, or upon completion of the Undertaking (whichever comes first). This MOA will terminate and have no further force or effect on the day that Caltrans notifies the other MOA signatories, in writing, of its determination that all stipulations of this MOA have been satisfactorily fulfilled.

2. The terms of this MOA shall be satisfactorily fulfilled within five (5) years following the date of execution by the signatory parties, unless otherwise specified. If Caltrans determines that this requirement cannot be met, the parties to MOA will consult to reconsider its terms. Reconsideration may include continuation of the MOA, as originally executed, or amendment or termination of the Agreement.

3. If the Undertaking has not been implemented within five (5) years following execution of this MOA, it shall automatically terminate and have no further force or effect. In such event, Caltrans shall notify the other signatory parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

G. EFFECTIVE DATE

This MOA will take effect on the date that it has been executed by Signatory Parties.

EXECUTION of this MOA by Caltrans and the SHPO, its filing with the ACHP in accordance with 36 CFR §800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR §800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(1) of the NHPA, and shall further evidence that Caltrans has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that Caltrans has taken into account the effects of the Undertaking on historic properties.

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE ASPEN FALES SHOULDER WIDENING PROJECT IN MONO COUNTY, CALIFORNIA

SIGNATORY PARTIES:

California Department of Transportation

By Philip J Stolarski — 4/21/17
Phil Stolarski, Acting Chief — Date
Division of Environmental Analysis

California State Historic Preservation Officer

By _____ — 24 April 2017
Julianne Polanco — Date
State Historic Preservation Officer

MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE ASPEN FALES SHOULDER WIDENING PROJECT IN MONO COUNTY, CALIFORNIA

INVITED SIGNATORY:

California Department of Transportation

By _____ 9-25-17
Brent Green, District Director — Date
District 9, Bishop

**MEMORANDUM OF AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE ASPEN FALES SHOULDER WIDENING PROJECT IN MONO
COUNTY, CALIFORNIA**

CONCURRING PARTY:

Bridgeport Indian Colony

By _____ _____
The Honorable John Glazier Date
Chairman

Attachment A

Project Description and Maps

09-MON-395

EA 09-34940; EFIS 09-1200-0033

Attachment B

Tribal Consultation Log
for the
Aspen Fales Shoulder Widening Project
Mono County, California

Attachment C

ESA Action Plan

09-MON-395

EA 09-34940; EFIS 09-1200-0033

Appendix H Service Species List

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Big Alkali (3811922) OR Bridgeport (3811932) OR Buckeye Ridge (3811924) OR Chris Flat (3811944) OR Fales Hot Springs (3811934) OR Lost Cannon Peak (3811945) OR Mt. Jackson (3811933) OR Mt. Patterson (3811943) OR Pickel Meadow (3811935) OR Sweetwater Creek (3811942) OR Tower Peak (3811925) OR Twin Lakes (3811923))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Accipiter gentilis northern goshawk	G5 S3	None None	BLM_S-Sensitive CDF_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive	7,000 8,200	432 S:3	0	0	0	0	0	3	3	0	3	0	0
Agrostis humilis mountain bent grass	G4Q S2	None None	Rare Plant Rank - 2B.3	9,555 9,555	20 S:1	0	0	0	0	0	1	0	1	1	0	0
Allium atrorubens var. atrorubens Great Basin onion	G4T4 S2	None None	Rare Plant Rank - 2B.3	6,750 7,400	19 S:2	0	0	0	0	0	2	2	0	2	0	0
Anaxyrus canorus Yosemite toad	G2G3 S2S3	Threatened None	CDFW_SSC-Species of Special Concern IUCN_EN-Endangered USFS_S-Sensitive	8,000 9,950	226 S:22	0	0	0	0	0	22	4	18	22	0	0
Antrozous pallidus pallid bat	G5 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	6,880 6,880	407 S:1	0	0	0	0	0	1	0	1	1	0	0
Aplodontia rufa californica Sierra Nevada mountain beaver	G5T3T4 S2S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	8,500 8,500	131 S:1	0	0	0	0	0	1	1	0	1	0	0
Astragalus oophorus var. lavinii Lavin's milk-vetch	G4T2 S1	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive		2 S:1	0	0	0	0	0	1	1	0	1	0	0
Astragalus platytropis broad-keeled milk-vetch	G5 S3	None None	Rare Plant Rank - 2B.2	9,200 11,200	18 S:11	0	1	0	0	0	10	9	2	11	0	0

Government Version -- Dated April, 1 2017 -- Biogeographic Data Branch

Report Printed on Monday, April 17, 2017

Information Expires 10/1/2017

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Boechera bodiensis Bodie Hills rockcress	G3 S3	None None	Rare Plant Rank - 1B.3 BLM_S-Sensitive USFS_S-Sensitive	6,600 11,000	31 S:11	0	0	1	0	0	10	5	6	11	0	0
Boechera cobrensis Masonic rockcress	G5 S2	None None	Rare Plant Rank - 2B.3	6,600 8,600	28 S:7	0	1	0	0	0	6	2	5	7	0	0
Bombus morrisoni Morrison bumble bee	G4G5 S1S2	None None	IUCN_VU-Vulnerable	5,500 9,800	85 S:4	0	0	0	0	0	4	4	0	4	0	0
Botrychium crenulatum scalloped moonwort	G4 S3	None None	Rare Plant Rank - 2B.2 USFS_S-Sensitive	7,900 8,945	98 S:4	0	0	0	0	0	4	0	4	4	0	0
Calochortus excavatus Inyo County star-tulip	G2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive USFS_S-Sensitive	6,750 6,750	70 S:1	0	0	0	0	0	1	1	0	1	0	0
Carex occidentalis western sedge	G4 S3	None None	Rare Plant Rank - 2B.3	7,600 7,600	8 S:1	0	0	0	0	0	1	1	0	1	0	0
Carex vallicola western valley sedge	G5 S2	None None	Rare Plant Rank - 2B.3	7,200 9,187	14 S:5	0	1	0	0	0	4	3	2	5	0	0
Chaenactis douglasii var. alpina alpine dusty maidens	G5T5 S2	None None	Rare Plant Rank - 2B.3	10,000 10,000	12 S:1	0	0	0	0	0	1	1	0	1	0	0
Claytonia megarhiza fell-fields claytonia	G5 S2	None None	Rare Plant Rank - 2B.3	9,500 9,500	14 S:1	0	0	0	0	0	1	1	0	1	0	0
Claytonia umbellata Great Basin claytonia	G5? S1	None None	Rare Plant Rank - 2B.3	10,600 11,400	5 S:3	0	1	0	0	0	2	2	1	3	0	0
Crepis runcinata fiddleleaf hawksbeard	G5 S3	None None	Rare Plant Rank - 2B.2	6,450 6,600	32 S:3	0	1	0	0	0	2	1	2	3	0	0
Cryptantha crymophila subalpine cryptantha	G3 S3	None None	Rare Plant Rank - 1B.3	9,900 10,000	9 S:2	0	0	0	0	0	2	2	0	2	0	0
Cusickiella quadricostata Bodie Hills cusickiella	G2 S2	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive	6,500 8,560	28 S:18	0	2	1	0	0	15	17	1	18	0	0
Draba asterophora var. asterophora Tahoe draba	G2T2? S2?	None None	Rare Plant Rank - 1B.2 USFS_S-Sensitive	10,300 10,800	11 S:2	0	0	0	0	0	2	1	1	2	0	0
Draba cana canescent draba	G5 S2	None None	Rare Plant Rank - 2B.3	11,500 11,500	8 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Draba incrassata Sweetwater Mountains draba	G3 S3	None None	Rare Plant Rank - 1B.3 USFS_S-Sensitive	9,200 11,250	16 S:15	0	0	0	0	0	15	14	1	15	0	0
Elymus scribneri Scribner's wheat grass	G5 S3	None None	Rare Plant Rank - 2B.3	9,800 11,200	12 S:3	0	0	0	0	0	3	3	0	3	0	0
Festuca minutiflora small-flowered fescue	G5 S2	None None	Rare Plant Rank - 2B.3	10,270 10,640	6 S:2	0	2	0	0	0	0	0	2	2	0	0
Glyceria grandis American manna grass	G5 S3	None None	Rare Plant Rank - 2B.3	6,500 6,500	10 S:1	0	0	0	0	0	1	1	0	1	0	0
Great Basin Cutthroat Trout Headwater Great Basin Cutthroat Trout Headwater	GNR SNR	None None		7,600 7,600	1 S:1	0	0	1	0	0	0	1	0	1	0	0
Gulo gulo California wolverine	G4 S1	Proposed Threatened Threatened	CDFW_FP-Fully Protected IUCN_NT-Near Threatened USFS_S-Sensitive	6,900 11,600	173 S:5	0	0	0	0	0	5	5	0	5	0	0
Helodium blandowii Blandow's bog moss	G4 S2	None None	Rare Plant Rank - 2B.3 USFS_S-Sensitive	7,875 7,875	16 S:1	0	0	0	0	0	1	0	1	1	0	0
Hydromantes platycephalus Mount Lyell salamander	G4 S4	None None	CDFW_WL-Watch List IUCN_LC-Least Concern	9,000 9,000	45 S:1	1	0	0	0	0	0	0	1	1	0	0
Hygrotus fontinalis travertine band-thigh diving beetle	G1 S1	None None		6,640 7,300	4 S:3	0	0	0	0	0	3	3	0	3	0	0
Kobresia myosuroides seep kobresia	G5 S2	None None	Rare Plant Rank - 2B.2	7,300 8,114	10 S:3	1	0	2	0	0	0	0	3	3	0	0
Lasionycteris noctivagans silver-haired bat	G5 S3S4	None None	IUCN_LC-Least Concern WBWG_M-Medium Priority		138 S:1	0	0	0	0	0	1	1	0	1	0	0
Lepus townsendii townsendii western white-tailed jackrabbit	G5T5 S3?	None None	CDFW_SSC-Species of Special Concern	6,500 10,750	24 S:4	0	0	0	0	0	4	4	0	4	0	0
Lomatium foeniculaceum ssp. macdougalii Macdougal's lomatium	G5T4T5 S3	None None	Rare Plant Rank - 2B.2	7,000 7,000	26 S:1	0	0	0	0	0	1	1	0	1	0	0
Lupinus pusillus var. intermontanus intermontane lupine	G5T5? S2	None None	Rare Plant Rank - 2B.3	6,000 6,000	19 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

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						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Martes caurina sierrae Sierra marten	G5T3 S3	None None	USFS_S-Sensitive	7,800 7,800	127 S:1	0	0	0	0	0	1	1	0	1	0	0
Mentzelia torreyi Torrey's blazing star	G4 S2	None None	Rare Plant Rank - 2B.2	6,600 6,750	17 S:2	0	1	0	0	0	1	1	1	2	0	0
Mertensia oblongifolia var. oblongifolia sagebrush bluebells	G5T4 S2	None None	Rare Plant Rank - 2B.2	7,900 7,900	13 S:1	0	0	0	0	0	1	1	0	1	0	0
Myotis thysanodes fringed myotis	G4 S3	None None	BLM_S-Sensitive IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	5,400 5,400	85 S:1	0	0	0	0	0	1	0	1	1	0	0
Myotis yumanensis Yuma myotis	G5 S4	None None	BLM_S-Sensitive IUCN_LC-Least Concern WBWG_LM-Low-Medium Priority	6,880 6,880	262 S:1	0	0	0	0	0	1	0	1	1	0	0
Nycticorax nycticorax black-crowned night heron	G5 S4	None None	IUCN_LC-Least Concern	6,470 6,470	26 S:1	0	1	0	0	0	0	0	1	1	0	0
Ochotona princeps schisticeps gray-headed pika	G5T2T4 S2S4	None None	IUCN_NT-Near Threatened	7,500 11,160	331 S:19	0	0	0	0	3	16	9	10	16	3	0
Oncorhynchus clarkii henshawi Lahontan cutthroat trout	G4T3 S2	Threatened None	AFS_TH-Threatened	7,300 9,290	27 S:4	0	1	2	0	0	1	4	0	4	0	0
Oncorhynchus clarkii seleniris Paiute cutthroat trout	G4T1T2 S1S2	Threatened None	AFS_EN-Endangered	8,000 8,600	12 S:6	0	0	0	0	0	6	6	0	6	0	0
Orthotrichum spjutii Spjut's bristle moss	G1 S1	None None	Rare Plant Rank - 1B.3	8,800 8,800	2 S:1	0	0	0	0	0	1	1	0	1	0	0
Phacelia monoensis Mono County phacelia	G3 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive USFS_S-Sensitive	7,260 9,500	14 S:5	1	2	1	0	1	0	5	0	4	1	0
Polemonium chartaceum Mason's sky pilot	G2 S2	None None	Rare Plant Rank - 1B.3 SB_RSABG-Rancho Santa Ana Botanic Garden USFS_S-Sensitive	10,800 11,400	12 S:6	4	1	0	0	0	1	4	2	6	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

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Potamogeton zosteriformis eel-grass pondweed	G5 S3	None None	Rare Plant Rank - 2B.2	7,000 7,000	20 S:1	0	0	0	0	0	1	1	0	1	0	0
Pyrgulopsis wongi Wong's springsnail	G2 S2	None None	IUCN_LC-Least Concern USFS_S-Sensitive	7,330 7,725	50 S:2	0	0	0	0	0	2	2	0	2	0	0
Rana sierrae Sierra Nevada yellow-legged frog	G1 S1	Endangered Threatened	CDFW_WL-Watch List IUCN_EN-Endangered USFS_S-Sensitive	8,200 10,100	664 S:18	0	2	2	0	0	14	4	14	18	0	0
Riparia riparia bank swallow	G5 S2	None Threatened	BLM_S-Sensitive IUCN_LC-Least Concern	6,700 7,130	297 S:3	0	0	0	0	0	3	0	3	3	0	0
Sabulina stricta bog sandwort	G5 S3	None None	Rare Plant Rank - 2B.3		18 S:1	0	0	0	0	0	1	1	0	1	0	0
Senecio pattersonensis Mt. Patterson senecio	G2 S2	None None	Rare Plant Rank - 1B.3 USFS_S-Sensitive	9,700 11,400	11 S:10	0	0	0	0	0	10	8	2	10	0	0
Sidalcea multifida cut-leaf checkerbloom	G3 S2	None None	Rare Plant Rank - 2B.3	7,800 8,400	28 S:3	0	2	0	0	0	1	0	3	3	0	0
Silene oregana Oregon campion	G4 S2	None None	Rare Plant Rank - 2B.2	9,600 9,600	30 S:1	0	0	0	0	0	1	1	0	1	0	0
Sorex lyelli Mount Lyell shrew	G3G4 S3S4	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	8,150 10,750	11 S:2	0	0	0	0	0	2	2	0	2	0	0
Sphaeromeria potentilloides var. nitrophila alkali tansy-sage	G5T4? S2	None None	Rare Plant Rank - 2B.2	7,200 7,200	5 S:2	0	0	0	0	0	2	2	0	2	0	0
Sphenopholis obtusata prairie wedge grass	G5 S2	None None	Rare Plant Rank - 2B.2	6,500 8,600	19 S:2	0	0	0	0	0	2	2	0	2	0	0
Streptanthus oliganthus Masonic Mountain jewelflower	G3 S3	None None	Rare Plant Rank - 1B.2 BLM_S-Sensitive USFS_S-Sensitive	6,500 10,000	18 S:11	1	2	0	0	0	8	10	1	11	0	0
Strix nebulosa great gray owl	G5 S1	None Endangered	CDF_S-Sensitive IUCN_LC-Least Concern USFS_S-Sensitive	8,680 8,680	78 S:1	0	0	0	0	0	1	1	0	1	0	0
Suaeda occidentalis western seablite	G5 S2	None None	Rare Plant Rank - 2B.3	6,600 6,600	9 S:1	0	0	0	0	0	1	1	0	1	0	0

Summary Table Report

California Department of Fish and Wildlife

California Natural Diversity Database

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.
Taxidea taxus American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	7,500 9,200	535 S:2	0	0	0	0	0	2	2	0	2	0	0
Townsendia condensata cushion townsendia	G4 S3	None None	Rare Plant Rank - 2B.3	10,500 11,600	11 S:3	0	0	0	0	0	3	3	0	3	0	0
Triglochin palustris marsh arrow-grass	G5 S2	None None	Rare Plant Rank - 2B.3		18 S:1	0	0	0	0	0	1	1	0	1	0	0
Viola purpurea ssp. aurea golden violet	G5T2 S2	None None	Rare Plant Rank - 2B.2	6,500 7,230	10 S:2	0	0	0	0	0	2	1	1	2	0	0
Vulpes vulpes necator Sierra Nevada red fox	G5T1T2 S1	Candidate Threatened	USFS_S-Sensitive	7,050 10,600	201 S:11	0	0	0	0	0	11	1	10	11	0	0

Appendix I Finding of Effect

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Edmund G Brown, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL ANALYSIS
1120 N STREET
P.O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-3567
FAX (916) 653-7757
TTY (916) 653-4086

Serious Drought. Help Save Water!

August 29, 2016

Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

09-MNO-395
PM 88.42-91.55
EA/ID 09-34940/0912000033

Re: Finding of Adverse Effect for the Aspen Fales Shoulder Widening Project Mono County, California (FHWA_2016_0426_001)

Dear Ms. Polanco

The California Department of Transportation (Caltrans) is continuing consultation with you regarding the above referenced project. This supplemental consultation is undertaken in accordance with the January 2014 First Amended, Section 106 *Programmatic Agreement (PA) among the Federal Highway Administration* (FHWA), *the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation.*

Caltrans is transmitting this Finding of Adverse Effect (FOE) as the NEPA lead agency under the provision of the *Memorandum of Understanding* (MOU) *between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Surface Transportation Project Delivery 23 USC 327 NEPA Assignment,* which became effective on October 1, 2012. The *MOU* was signed pursuant to Title 23 USC 327, which allows the Secretary of Transportation to assign, and the State of California to assume, this responsibility under other Federal environmental laws. As this project is covered by the NEPA Assignment MOU, the FHWA has assigned and Caltrans has assumed FHWA responsibility for environmental review, consultation, and coordination on this project. Please direct all future correspondence on this project to Caltrans.

Attached for your review is the FOE for the proposed undertaking. Under the PA, Caltrans is responsible for ensuring the appropriateness of the Findings of Effect (Stipulation IX) and the Assessment of Effects (Stipulation X). We are consulting with you at the present time under Stipulation X.C.1 of the PA, which requires that we seek your concurrence on findings of adverse effect.

The California Department of Transportation (Caltrans) proposes to widen paved shoulders U.S. 395 in Mono County from 2 feet to 8 feet. The undertaking also involves installation of rumble strips, the removal of obstructions from the clear recovery zone, the extension and/or upgrade of drainage structures, and curve correction.

The Area of Potential Effect (APE) for the project contains 10 properties determined or assumed to be eligible for the National Register of Historic Places (NRHP):

- archaeological site P-26-5879 and the prehistoric archaeological component of P-26-2184, determined eligible for listing on the NRHP under Criterion D in consultation with the SHPO.
- archeological sites P-26-2213, -5877, -5878 -8105, -8108, and -8114 are being considered eligible for the NRHP for purposes of this undertaking, in accordance with Stipulation VIII.C.3 of the PA.

- archeological sites P-26-8285 and -5906 are being considered eligible in accordance with Stipulation VIII.C.4 of the PA because evaluation as not possible.

Caltrans, in applying the Criteria of Adverse Effect, finds that the undertaking would have an adverse effect on one historic property: P-26-5879. There will not be an adverse effect to P-26-2184, -2213, -5877, -8108 and -8114, as adverse effects to these sites can be avoided through the establishment of Environmentally Sensitive Area (ESA) designations. Sites P-26-5906, -8105 and -5878, which are being considered eligible for purposes of this project, will not be adversely affected as Caltrans determined that the loss of data to the portion of the sites within the APE's area of direct impact would not adversely affect the assumed qualities that make the site eligible.

As the undertaking cannot be redesigned to avoid P-26-5879, Caltrans finds that it will have an **Adverse Effect** on historic properties is appropriate and is seeking SHPO's concurrence in the finding, pursuant to the Section 106 PA Stipulation X.C.

Finally, because Caltrans did not have access to P-26-8285, which is being considered eligible for purposes of the proposed undertaking, we are proposing to phase the identification, evaluation and assessment of effect for this site in accordance with Stipulation XII of the PA, and would provide for this treatment in any memorandum of agreement executed to resolve the adverse effect to P-26-5879.

It is our intent to make a de minimis impact determination, under Section 4(f) of the Department of Transportation Act of 1966, based on your concurrence with the finding of Adverse Effect for the undertaking. Caltrans will consider a non-response as written concurrence with the de minimis determination.

Thank you for your continued assistance with this undertaking. If you need any additional information, please do not hesitate to contact me at 916-653-1029 or by email at jill.hupp@dot.ca.gov or archaeologist Stacy Zolnoski at (760) 872-4193 or by email at stacy.zolnoski@dot.ca.gov.

Sincerely,

Jill Hupp, Chief
Built Environment Preservation Services Branch
Cultural Studies Office
Caltrans, Division of Environmental Analysis

cc:
SZlnoski-D9
CMacDonald-D5
PVallejo-D6

enclosure:

"Provide a safe, sustainable, integrated and efficient transportation system
To enhance California's economy and livability"

Appendix J SHPO Finding of Effect Concurrence

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

September 27, 2016

Reply in Reference To: FHWA_2016_0426_001

Jill Hupp
Chief, Section 106 Coordination Branch
Department of Transportation
Caltrans HQ, DEA
1120 N Street MS-27
Sacramento, CA 94274-0001

Subject: Finding of Adverse Effect for the Aspen Fales Shoulder Widening Project Mono County, California

Dear Ms. Hupp:

The Office of Historic Preservation (OHP) received your letter on August 29, 2016 with regard to the above-referenced undertaking. The California Department of Transportation, District 9 (Caltrans) is continuing consultation with the State Historic Preservation Officer (SHPO) on the above referenced undertaking in accordance with the January 2014 *First Amended Programmatic Agreement (PA) among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Office, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the to the Administration of the Federal-Aid Highway Program in California*. Pursuant to Stipulation X.C.1 of the PA, Caltrans is requesting concurrence on their finding of adverse effect as a result of this undertaking and is also consulting with the SHPO to resolve adverse effects pursuant to Stipulation XII of the PA. Supporting documentation submitted with your letter includes:

- The *Finding of Adverse Effect for the Aspen Fales Shoulder Widening Project Mono County, California* (FOE) (MacDonald, Vallejo, and Zolnoski 2016)

On August 8, 2016, the SHPO concurred with the following Caltrans' determinations of eligibility:

- The prehistoric archaeological component of P-26-2184 is eligible for listing on the National Register of Historic Places (NRHP) under Criterion D. The historic-era component was not evaluated;
- P-26-5879 is eligible for listing on the NRHP under Criterion D as it can contribute to regional research issues relating to upland land use during the Newberry Period; and
- P-26-8103, -8109, -8111, and -8286 are ineligible for listing on the NRHP under all criteria.

Caltrans also indicated that pursuant to Stipulation VIII.C.3 of the PA, Caltrans will assume P-26-2213, -5877, -5878, -8105, -8108, and -8114 as eligible for listing on the NRHP under Criterion D for the purposes of this undertaking only. Caltrans will also assume P-26-8285 as eligible for listing on the NRHP under Criterion D, and P-26-5906 as eligible for listing on the NRHP under Criterion A for the purposes of this undertaking only per Stipulation VIII.C.4 of the PA because evaluation was not possible. Additionally, a right-of-entry was not granted to every portion of the APE. The results of these initial historic property identification and evaluation efforts are detailed in a *Historic Property Survey Report for the Aspen Fales Shoulder Widening Project* (HPSR) (Zolnoski and MacDonald 2016) which was received by the SHPO on July 26, 2016.

Presently, Caltrans has submitted an FOE that describes their application of the criteria of adverse effect to ten known historic properties within the APE. Although a project alternative has yet to be chosen, Caltrans has concluded that all three build alternatives will have an adverse effect to one known historic property, P-26-5879. There will not be an adverse effect to P-26-2184, -2213, -5877, -8108, and -8114, as adverse effects to these properties will be avoided through the establishment of an Environmentally Sensitive Area (ESA). In previous consultation with the SHPO, Caltrans determined through Phase II testing that the portions of sites P-26-8105 and -5878 located within the APE's area of direct impact (ADI) do not contribute to the sites' eligibility as a whole. As these sites could not be formally evaluated as a whole, Caltrans is considering them eligible for listing on the NRHP under Criterion D for the purposes of this undertaking only. Effects to the sites' deposits within the ADI will not alter the characteristics that might make the sites eligible for listing on the NRHP under Criterion D, and therefore the effects are not adverse. The portion of the sites outside of the ADI will be avoided through the establishment of an ESA.

In prior consultation with the SHPO, Caltrans also assessed the eight distinct segments of the Sonora and Mono Wagon Road (P-26-5906) located within the APE and determined that Segments AF 1, AF 2, AF 3, AF 5, AF 7, and C do not retain sufficient integrity to function as contributors to the Sonora and Mono Wagon Road. Only Segments AF 1, AF 2, AF 3 and C lie within the APE's ADI. In the FOE submitted for this current consultation, Caltrans has applied the criteria of adverse effect and has found that because these segments do not contribute to the qualities that potentially make the remainder of P-26-5906 eligible for the NRHP under Criterion A, Caltrans has found that effects to these segments within the ADI will not alter the characteristics that make P-26-5906 eligible for listing on the NRHP under Criterion A, and therefore the effects are not adverse. The two segments Caltrans determined to retain integrity, AF 4 and AF 6, lie well outside the ADI and will not be affected by the undertaking.

As the undertaking cannot be redesigned to avoid P-26-5879, Caltrans finds that the undertaking will result in an adverse effect to historic properties. Based on my review of your letter and supporting documentation, I **concur** with your finding of adverse effect as a result of this undertaking.

Because Caltrans does not have access to the entire APE, one known resources, P-26-8285, located in the inaccessible portion of the APE, is being considered eligible for listing on the NRHP under Criterion D for the purposes of this undertaking only. Caltrans is proposing to phase the identification, evaluation and assessment of effects to P-26-8285 in accordance with Stipulation XII of the Section 106 PA. Caltrans has proposed to continue consultation with the SHPO to resolve adverse effects through the development of a Memorandum of Agreement (MOA) that will provide for a phased process for the identification, evaluation and assessment of effects to P-26-8285, and a process for resolving adverse effects to P-26-5879. However, OHP staff has recommended that a project-level Programmatic Agreement (PA) is more appropriate because affects to this site remains unknown due to lack of access and a project alternative has yet to be chosen (Alicia Perez to Jill Hupp, personal email communication, September 16, 2016). Caltrans will continue to consult with the SHPO regarding the appropriate agreement document (Jill Hupp to Alicia Perez, personal email communication, September 16, 2016). If you require further information, please contact Alicia Perez of my staff at 916-445-7020 or at Alicia.Perez@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Appendix K Section 4(f) – De Minimis Determination

Appendix B. Section 4(f) De Minimis Determination

Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to the Department pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

This 4(f) *de minimis* impact evaluation considers the impacts of the Aspen Fales Shoulder Widening Project (Project) the Sonora and Mono Wagon Road (P-26-005906,) which is considered eligible for inclusion in the NRHP for the purposes of the Project, pursuant to Stipulation VIII.C.4 of the January 1, 2016 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Federal-Aid Highway Program in California* (PA).

The Sonora and Mono Wagon Road (P-26-005906) historically runs approximately 54 miles long. Today, the road exists in only discontinuous and fragmented segments in Mono County. Caltrans is considering the Sonora and Mono Wagon Road as a single resource, eligible for the NRHP for the purposes of this project only, under Criterion A, for its importance to the commercial development of Mono County from the Aurora and Bodie mining periods through the early automobile tourism era (1862-1931). Eight distinct segments of the road were assessed for integrity to determine if they would contribute to the significance of the resources as a whole, should the road ever be determined eligible for the NRHP. Two segments (Segments AF 4 and AF 6) were found to have sufficient integrity to be contributing elements to the Sonora and Mono Wagon Road. Both are relatively long segments that retain integrity of location and a high degree of workmanship, design, materials, setting, feeling, and association. The remaining segments (Segment AF 1, AF 2, AF 3, AF 5 and C) have been largely reclaimed by nature and do not retain sufficient integrity to convey significance, and thus would not contribute to the eligibility of the resource as a whole. Caltrans anticipates that there will be no adverse effect under Section 106 to the Sonora and Mono Wagon Road as a result of this project.

One segment of the Sonora and Mono Wagon Road, Segment AF 3 (See Figure 1), may be incorporated into Caltrans' right-of-way for Alternative 1 of this project. This segment of the road does not retain sufficient integrity to convey significance, and is in fact indistinct and cannot be delineated with any surety. However, Caltrans has made an assumption for the

purposes of this *de minimis* determination that a portion Segment AF 3 will be permanently incorporated into a transportation facility, which would constitute a Section 4(f) use.

Caltrans notified SHPO, as the official with jurisdiction over the Sonora and Mono Wagon Road, of the intent to find that the project will have no adverse effect on the property and would result in a *de mimimis* under Section 4(f) in October 2016. Caltrans is currently awaiting SHPO comment.

The Section 4(f) use of the Sonora and Mono Wagon Road has been determined to be *de minimis* because Segment AF 3, of which a portion would be incorporated into Caltrans' right-of-way, constitutes a relatively short segment of the 54 mile long road. It has been largely reclaimed by nature and does not retain sufficient integrity to convey significance, and thus would not contribute to the eligibility of the resource as a whole. Segments which would contribute to the site's eligibility (AF 4 and AF 6) if the site were to be evaluated in the future, lie outside the project limits and would not be impacted by the project. Thus, any impacts to this property will not adversely affect the activities, features, and attributes of the 4(f) resource.

Because there will be no adverse effect to the Sonora and Mono Wagon Road as a result of the project, no avoidance, minimization or mitigation measures are needed to make this de minimis finding.

FHWA has identified various *exceptions* to the requirement for 4(f) approval codified in federal law at 23 CFR 774.13, including exceptions to "archaeological sites that are on or eligible to the NRHP when:

1) The Administration [FHWA] concludes that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration [FHWA] decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and

2) The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding in paragraph (b)(1) of this section."

The following historic properties are *exceptions* to the requirements of 4(f) pursuant to 23 CFR 774.13(b) as these resources are important chiefly because of what can be learned by data recover and they have minimal value for preservation in place. These properties are described in detail in the Cultural Resources section found in this draft environmental document:

Historic property P-26-005878 (CA-MNO-5940)
Historic property P-26-005879 (CA-MNO-5941)
Historic property P-26-008105 (CA-MNO-5882)
Historic property P-26-008285 (CA-MNO-5937)

Appendix L Project-Level Conformity Determination

State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

Flex your power!
Be energy efficient!

To: STEVE KARAMITROS

Date: April 5, 2016

File:MNO-395-PM 88.45-91.55
EA 09-34940
ID# 09-1200-0033
Aspen Fales Shoulder Widening

From: MATTHEW GOIKE
District 9 Environmental Engineer

Subject: Air, Noise, Water, and Hazardous Waste

OBJECTIVE:
The objective of this memorandum is to provide a scoping report representing the potential impacts on Air, Noise, Water, and Hazardous Waste as a result of constructing the above project.

PROJECT DESCRIPTION:
Caltrans is proposing to improve operations and safety at within the project limits by widening paved shoulders from 2-3 feet to 8 feet. The work will include asphalt paving, rumble strips, safety edge construction, superelevations and transition correction, cut/fill slope construction, drainage structure improvements, striping, and revegetation. No additional through lanes are to be constructed. Several alternatives are being proposed that would involve work in undisturbed areas and wetlands, and care will be taken in design to minimize discharge and disturbance to channels and wetland habitat.

A. Water Quality:

All appropriate best management practices (BMPs) shall be used as outlined in the NPDES Statewide Storm Water Permit and the Construction General Permit.

Contamination of any surface water shall be avoided. The specifics of how contamination will be minimized will be provided in the contract documents and in the contractor's Stormwater Pollution Prevention Program (SWPP), since soil disturbance will be over an acre. If used, no reclaimed water will be allowed to mingle with surface flows. No storm water flows should leave the site without treatment.

The project scope may require Clean Water Act Section 401/404 permits. If alternatives requiring these permits are selected further study will be required.

B. Air Quality:

"Caltrans improves mobility across California"

The project limits lie within the Great Basin Air Pollution Control District. The region encompassing the project limits is a PM 10 non-attainment area. The project as proposed will not alter existing roadbed conditions to the point where PM 10 emissions will be affected.

A short-term degradation of mesoscale air quality can be expected due to exhausts of the required construction equipment. Dust levels are also expected to have a short-term impact because of the nature of the work. These short-term conditions will be minimized by enforcement of Caltrans dust control specifications.

The proposed project will not have any significant long-term impacts to any of the parameters for Air Quality. Project is exempt from hot-spot analysis.
The dust control should include watering the construction site to reduce airborne dust to nearby receptors.

C. Noise:

Under 23CFR772.7, Type III projects do not require a noise analysis, the proposed project is a Type III project. **No further analysis is required for traffic noise.**

Even though 23CFR772 does not require a noise analysis for construction noise, Caltrans noise protocol states that a reasonable analysis method should be used to evaluate construction noise. Using values in FHWA's Roadway Construction Noise Model Handbook and distances to receptors, none of the equipment types appropriate to this project would create noise levels at receptors warranting avoidance, minimization, or mitigation. Blasting could exceed 95dBA at the blasting site, but the nearest receptor is several hundred feet away and noise levels there could be as much as 30 dBA lower. Blasting noise impacts are temporary in nature and should be conducted in daytime hours and only after residents are given multiple notices. **No further analysis is required for construction noise.**

D. Construction Activities:

Construction activities will cause a temporary increase in noise and dust. These impacts will be temporary in nature and are not expected to be a significant impact to the area.
The dust control specifications should require watering the construction site to reduce air borne dust to nearby receptors. Noisy construction activities should not take place prior to 8 A.M.
No further analysis required.

E. Hazardous Wastes/Soil Contaminants:

There are no known sources of hazardous wastes or soil contaminants within the construction project limits. During construction, any wastes created will be properly disposed of off-site according to State and County disposal regulations.

The project scope will disturb soils that may contain levels of Aerially Deposited Lead (ADL) above the regulatory action level. If these soils are to be transported off site, soil testing and reporting will be required prior to PS&E delivery. If soils exhibit ADL above regulatory thresholds, a testing report shall be included in the contract documents as an informational handout, and items for appropriate disposal shall be included in the contract plans, specifications, and estimate.
Further analysis may be required.

Appendix M Notice of Preparation

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

CAL TRANS DIST 9
2016 JAN 25 AM 7:28

Notice of Preparation

January 19, 2016

To: Reviewing Agencies

Re: Aspen Fales Shoulder Widening
SCH# 2016012040

Attached for your review and comment is the Notice of Preparation (NOP) for the Aspen Fales Shoulder Widening draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Angela Calloway
California Department of Transportation, District 9
500 S. Main Street
Bishop, CA 93514-3423

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016012040
Project Title Aspen Fales Shoulder Widening
Lead Agency Caltrans #9

Type NOP Notice of Preparation

Description The California Department of Transportation proposes construction of eight (8) foot wide paved shoulders with rumble strips; construct a buried safety edge along the edge of the new paved shoulders; correct super-elevation transitions and super-elevation from PM 91.2 to PM 91.6 to meet current standards; replace or upgrade existing drainage structures and culverts from PM 88.42 through PM 91.55 near the community of Bridgeport in Mono County, California.

Lead Agency Contact

Name Angela Calloway
Agency California Department of Transportation, District 9
Phone 760-872-2424 **Fax**
email
Address 500 S. Main Street
City Bishop **State** CA **Zip** 93514-3423

Project Location

County Mono
City
Region
Cross Streets SR 395
Lat / Long 38° 20' 56.2" N / 119° 22' 14.6" W
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 395
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Noise; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Wetland/Riparian; Water Quality; Landuse; Cumulative Effects

Reviewing Agencies

Date Received 01/19/2016 **Start of Review** 01/19/2016 **End of Review** 02/17/2016

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2016012040

Project Title: Aspen Fales Shoulder Widening

Lead Agency: California Dept. of Transportation — Contact Person: Angela Calloway
Mailing Address: 500 S. Main Street — Phone: 760-872-0601
City: Bishop — Zip: 93514 — County: Inyo

Project Location: County: Mono — City/Nearest Community: Bridgeport
Cross Streets: State Route 395 — Zip Code: 93517
Longitude/Latitude (degrees, minutes and seconds): 38 ° 20 ′ 56.2 ″ N / 119 ° 22 ′ 14.6 ″ W Total Acres: N/A
Assessor's Parcel No.: — Section: — Twp.: — Range: — Base:
Within 2 Miles: State Hwy #: 395 — Waterways:
Airports: N/A — Railways: N/A — Schools: N/A

Document Type:

CEQA: ☒ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other:
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other:

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other:

Governor's Office of Planning & Research
JAN 19 2016
STATE CLEARINGHOUSE

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☒ Drainage/Absorption
☒ Economic/Jobs
☐ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☐ Minerals
☒ Noise
☐ Population/Housing Balance
☐ Public Services/Facilities
☐ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☐ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☒ Vegetation
☒ Water Quality
☐ Water Supply/Groundwater
☒ Wetland/Riparian
☐ Growth Inducement
☒ Land Use
☒ Cumulative Effects
☐ Other:

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*
The California Department of Transportation (Caltrans) proposes construction of 8 foot wide paved shoulders along approximately 3 miles of U.S. Highway 395 in Mono County. Along with the shoulder widening, other safety aspects of the project include adding rumble strips, construction of a safety edge along the new shoulders, correction of super-elevation, and the the replacement of existing drainage structures and culverts.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

____ Air Resources Board	x Office of Historic Preservation
____ Boating & Waterways, Department of	____ Office of Public School Construction
____ California Emergency Management Agency	____ Parks & Recreation, Department of
x California Highway Patrol	____ Pesticide Regulation, Department of
____ Caltrans District # ____	____ Public Utilities Commission
____ Caltrans Division of Aeronautics	x Regional WQCB # 7a/7b
____ Caltrans Planning	____ Resources Agency
____ Central Valley Flood Protection Board	____ Resources Recycling and Recovery, Department of
____ Coachella Valley Mtns. Conservancy	____ S.F. Bay Conservation & Development Comm.
____ Coastal Commission	____ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
____ Colorado River Board	____ San Joaquin River Conservancy
x Conservation, Department of	____ Santa Monica Mtns. Conservancy
____ Corrections, Department of	x State Lands Commission
____ Delta Protection Commission	____ SWRCB: Clean Water Grants
____ Education, Department of	x SWRCB: Water Quality
____ Energy Commission	____ SWRCB: Water Rights
x Fish & Game Region # ____	____ Tahoe Regional Planning Agency
____ Food & Agriculture, Department of	____ Toxic Substances Control, Department of
____ Forestry and Fire Protection, Department of	x Water Resources, Department of
____ General Services, Department of	
____ Health Services, Department of	____ Other: ____
____ Housing & Community Development	____ Other: ____
x Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date 1/18/2016 Ending Date 2/16/2016

Lead Agency (Complete if applicable):

Consulting Firm: ____	Applicant: ____
Address: ____	Address: ____
City/State/Zip: ____	City/State/Zip: ____
Contact: ____	Phone: ____
Phone: ____	

Signature of Lead Agency Representative: J. Karna **Date:** 1-12-16

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Revised 2010

NOP Distribution List

KD

County: Mono **SCH#** 2016012

esources Agency

- [x] **Resources Agency**
  Nadell Gayou
- [ ] **Dept. of Boating & Waterways**
  Denise Peterson
- [ ] **California Coastal Commission**
  Elizabeth A. Fuchs
- [ ] **Colorado River Board**
  Lisa Johansen
- [ ] **Dept. of Conservation**
  Elizabeth Carpenter
- [ ] **California Energy Commission**
  Eric Knight
- [ ] **Cal Fire**
  Dan Foster
- [ ] **Central Valley Flood Protection Board**
  James Herota
- [ ] **Office of Historic Preservation**
  Ron Parsons
- [x] **Dept of Parks & Recreation**
  Environmental Stewardship Section
- [ ] **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- [ ] **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- [x] **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Game

- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [ ] **Fish & Wildlife Region 3**
  Charles Armor
- [ ] **Fish & Wildlife Region 4**
  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [x] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- [ ] **Fish & Wildlife Region 6 I/M**
  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  George Isaac
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- [ ] **Delta Stewardship Council**
  Kevan Samsam
- [ ] **Housing & Comm. Dev.**
- [ ] **OES (Office of Emergency Services)**
  Marcia Scully
- [x] **Native American Heritage Comm.**
  Debbie Treadway
- [ ] **Public Utilities Commission**
  Supervisor
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [ ] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- [ ] **Caltrans - Division of Aeronautics**
  Philip Crimmins
- [ ] **Caltrans – Planning**
  HQ LD-IGR
  Terri Pencovic
- [x] **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

- [ ] **Caltrans, District 1**
  Rex Jackman
- [ ] **Caltrans, District 2**
  Marcelino Gonzalez
- [ ] **Caltrans, District 3**
  Eric Federicks – South
  Susan Zanchi - North
- [ ] **Caltrans, District 4**
  Patricia Maurice
- [ ] **Caltrans, District 8**
  Mark Roberts
- [ ] **Caltrans, District 9**
  Gayle Rosander
- [ ] **Caltrans, District 10**
  Tom Dumas
- [ ] **Caltrans, District 11**
  Jacob Armstrong
- [ ] **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- [ ] All Other Projects
  Cathi Slaminski
- [x] Transportation Projects
  Nesamani Kalandiyur
- [ ] Industrial/Energy Projects
  Mike Tollstrup

- [ ] **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Karen Larsen
  Division of Drinking Water
- [ ] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [ ] **Dept. of Toxic Substances Control**

Regional Water Quality Board (RWQCB)

- [ ] **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- [ ] **RWQCB 2**
  Environmental Documer Coordinator
  San Francisco Bay Regi
- [ ] **RWQCB 3**
  Central Coast Region (3
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5
- [ ] **RWQCB 5F**
  Central Valle
  Fresno Bran
- [ ] **RWQCB 5R**
  Central Valle
  Redding Bra
- [x] **RWQCB 6**
  Lahontan Region (6)
- [ ] **RWQCB 6V**
  Lahontan Re
  Victorville Br
- [ ] **RWQCB 7**
  Colorado River Basin R
- [ ] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0601
FAX (760) 872-0678
TTY 711
www.dot.ca.gov

Serious Drought.
Serious Drought.
Help save water!

January 12, 2016

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Subject: Notice of Preparation for the Aspen Fales Shoulder Widening Project

The California Department of Transportation (Caltrans) proposes to widen 3.13 miles of the existing U.S. Highway 395 from their current 2-3 feet to 8 foot shoulders from post mile 88.42 to post mile 91.55 in mono County

Caltrans and FHWA have determined that an Environmental Impact Report is warranted for the project. The circulation dates for the NOP are January 18, 2016 to February 16, 2016.

Caltrans requests that the State Clearinghouse date stamp and return a copy of the Notice of Preparation in the self-addressed, stamped envelope enclosed. If you have any questions, please contact Angela Calloway at (760) 872-2424 or myself at (760) 872-6041.

Sincerely,

S. Karamitros

Steven Karamitros
Associate Environmental Planner

"Caltrans improves mobility across California"

SCH NO. N/A

NOTICE OF PREPARATION

To: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

From: California Dept. of Transportation
500 S. Main Street
Bishop, CA 93514

Subject: **Notice of Preparation of a Draft Environmental Impact Report**
Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Project Title: Aspen Fales Shoulder Widening

Project Location: State Route 395 in Mono County

Project Description: The California Department of Transportation proposes construction of eight (8) foot wide paved shoulders with rumble strips; construct a buried safety edge along the edge of the new paved shoulders; correct super-elevation transitions and super-elevation from PM 91.2 to PM 91.6 to meet current standards; replace or upgrade existing drainage structures and culverts from PM 88.42 through PM 91.55 near the community of Bridgeport in Mono County, California.

This is to inform you that the California Department of Transportation will be the lead agency and will prepare an environmental impact report for the project described below. Your participation as a responsible agency is requested in the preparation and review of this document.

Based on the Class of Action Determination form, completed January 9, 2013, the anticipated environmental document will be an Environmental Impact Report (EIR) under CEQA and a complex Environmental Assessment (EA) under NEPA. Caltrans has determined that a project EIR in accordance with Section 15161 of State CEQA guidelines will be prepared due to potentially significant unavoidable impacts associated with the project.

We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

A copy of the Initial Study is not attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please direct your response to Angela Calloway (760-872-2424) at the address shown above. Please supply us with the name for a contact person in your agency.

Date 1-12-16

Signature

Title Environmental Office Chief

Notice of Preparation of a Draft Environmental Impact Report for the Aspen Fales Shoulder Widening Project

The California Department of Transportation (The Department), the Lead Agency, is preparing environmental documentation to address impacts associated with widening the existing shoulders from the current 2-3 feet to eight feet, installing rumble strips, correcting super-elevation and replacing drainage structures. In addition, this Environmental Impact Report/complex Environmental Assessment (EIR/Complex EA) would provide environmental compliance documentation for construction of the project from post mile 88.42 to 91.55 in Mono County. The document will be prepared as a joint document pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The department will be preparing an EIR/Complex EA for the project, also known as the Aspen Fales Shoulder Widening Project. As required by CEQA, the Department is distributing this Notice of Preparation requesting comments from responsible and trustee agencies regarding the significant environmental issues, reasonable alternatives, and reasonable mitigation measures that need to be discussed in the Draft EIR/Complex EA to address each agency's concern.

Project Location
The project is located on U.S. Highway 395 near the communities of Bridgeport in Mono County. The project widens the existing shoulders from 0.3 miles north of the Devil's Gate Summit at post mile 88.42 to Burcham Flat Road at post mile 91.55. This project is approximately 3 miles long. Figure 1 provides a Project Vicinity Map and Figure 2 is the Project Location Map.

Project Description
The California Department of Transportation (Caltrans) proposes to widen paved shoulders from the current 2-3 feet to eight (8) feet from post mile 88.42 to 91.55 in Mono County. The operational and safety improvements to the facility would also add rumble strips, construct a buried safety edge along the edge of the new paved shoulders, correct super-elevation and super-elevation transitions to meet current standards, and replace or upgrade existing drainage structures and culverts.

Project Alternatives
The Department will continue to screen the alternatives identified through the scoping process and only carry forward those alternatives that are considered viable for evaluation in the EIR/Complex EA. The following alternatives are currently under consideration:

Build Alternatives

- Alternative 1 proposes cutting back the rock outcropping at post mile 89.1, to provide space for paved shoulders and for a 20 foot wide clear recovery zone along the existing U.S. Highway 395 alignment.

- Alternative 2 proposes realignment of U.S. Highway 395 between post mile 89.0 and 89.4 to avoid excavation of the rock outcropping at post mile 89.1 with three different alignments proposed.

- Alternative 2A is a variation of Alternative 2, lengthening the existing curve south of the rock outcropping, creating a new curve south of the outcropping and shortening the existing curve to the west.

- Alternative 2B & C is a variation of Alternative 2, realigning the highway between post mile 89.0 and post mile 89.3, but creates a new curve at the outcropping and a new tangent to conform to the existing curve to the west.

- Alternative 3 proposes to install eight foot shoulders like Alternative 1, excepting the area between post mile 88.8 and 89.24, where the highway will be realigned to avoid excavation of the rock outcropping. An existing curve will be relocated and a breakpoint created to facilitate the realignment.

No Build Alternative
The "no build" alternative proposes to leave the facility as it currently exists.

Environmental Effects
The project would not create an encroachment upon the floodplain. The proposed project would not increase seismic hazards or hazards associated with rockfall due to the cut of the rock outcropping. There would be no effects on air quality, water quality, or sensitive noise receptors. The character and composition of traffic would not be affected.

Biological Resources
Impacts to threatened or endangered species would be mitigated in accordance with a Natural Environmental Study conducted by a Caltrans' biologist and a Letter of Concurrence with U.S. Fish and Wildlife, confirming minimization and mitigation steps included in Caltrans' environmental commitments record. A 1600 Stream/Bed Alteration Agreement through California Fish and Wildlife, a 401 Certificate through Lahontan Regional Water Quality Control Board, and a 404 Nationwide Permit with the U.S. Army Corps of Engineers will guarantee avoidance and minimization of environmental impacts associated with the project.

Visual/Aesthetics
Impacts would be mitigated by contour grading cuts to the rock outcropping, at the proper slope, to a non-uniform profile that will blend it to the adjacent slopes. Careful selection of the slope ratio of cut rock will guarantee that the cut does not affect the rock as a component of the California Scenic Highways. Visual simulations and a Visual Impact Report will prepared to avoid these visual impacts. To create a more natural looking rock cut, over-blasting will be used to yield a blocky, irregular non-planar surface; rock staining will mimic the coloration and patina of the adjacent, undisturbed oxidized rock surface; and sculpting of the cut will guarantee that the excavation does not impact the aesthetic value of the rock outcropping.

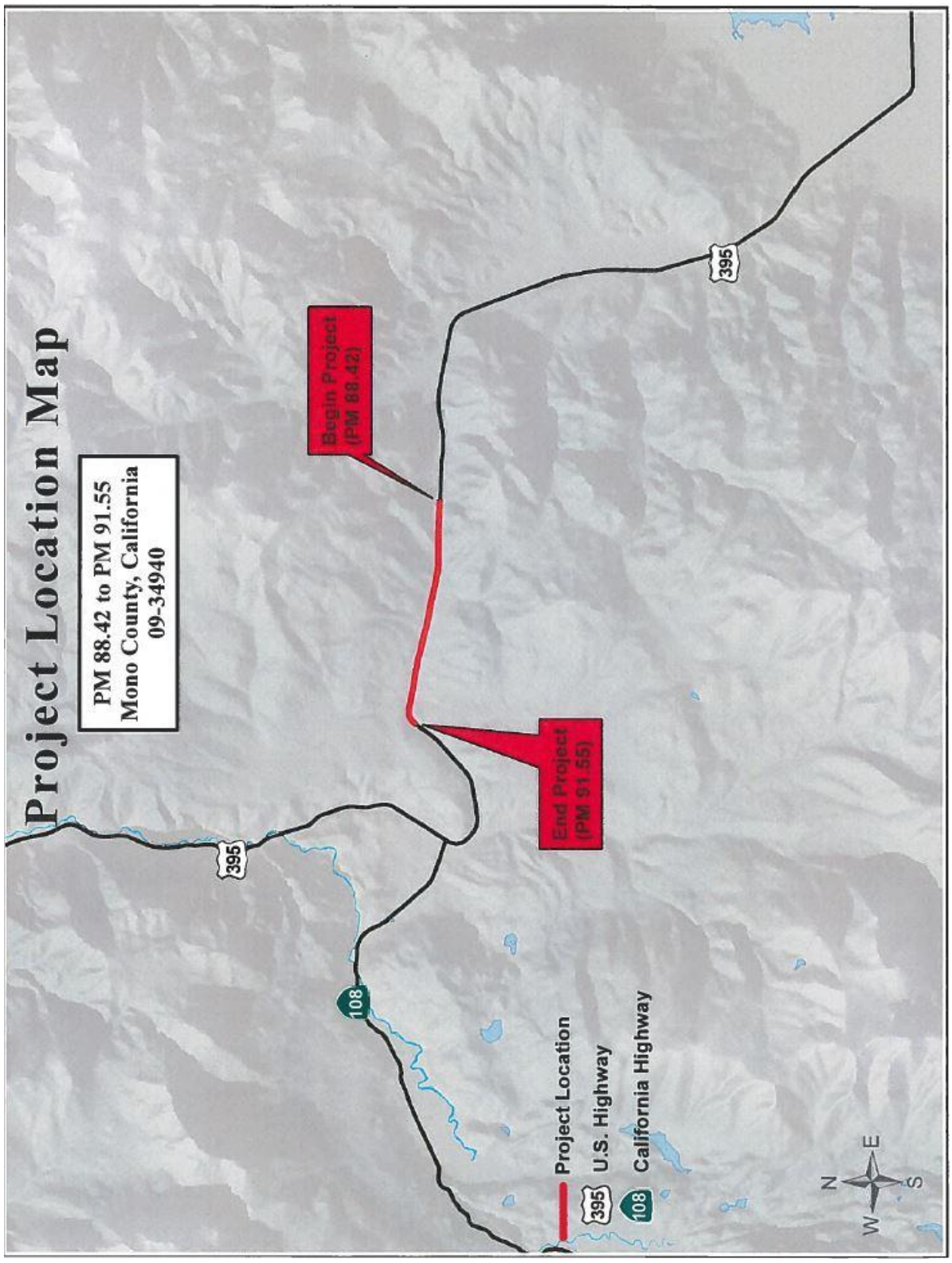
Utilities
Utilities affected by the project would be relocated in coordination with utility companies.

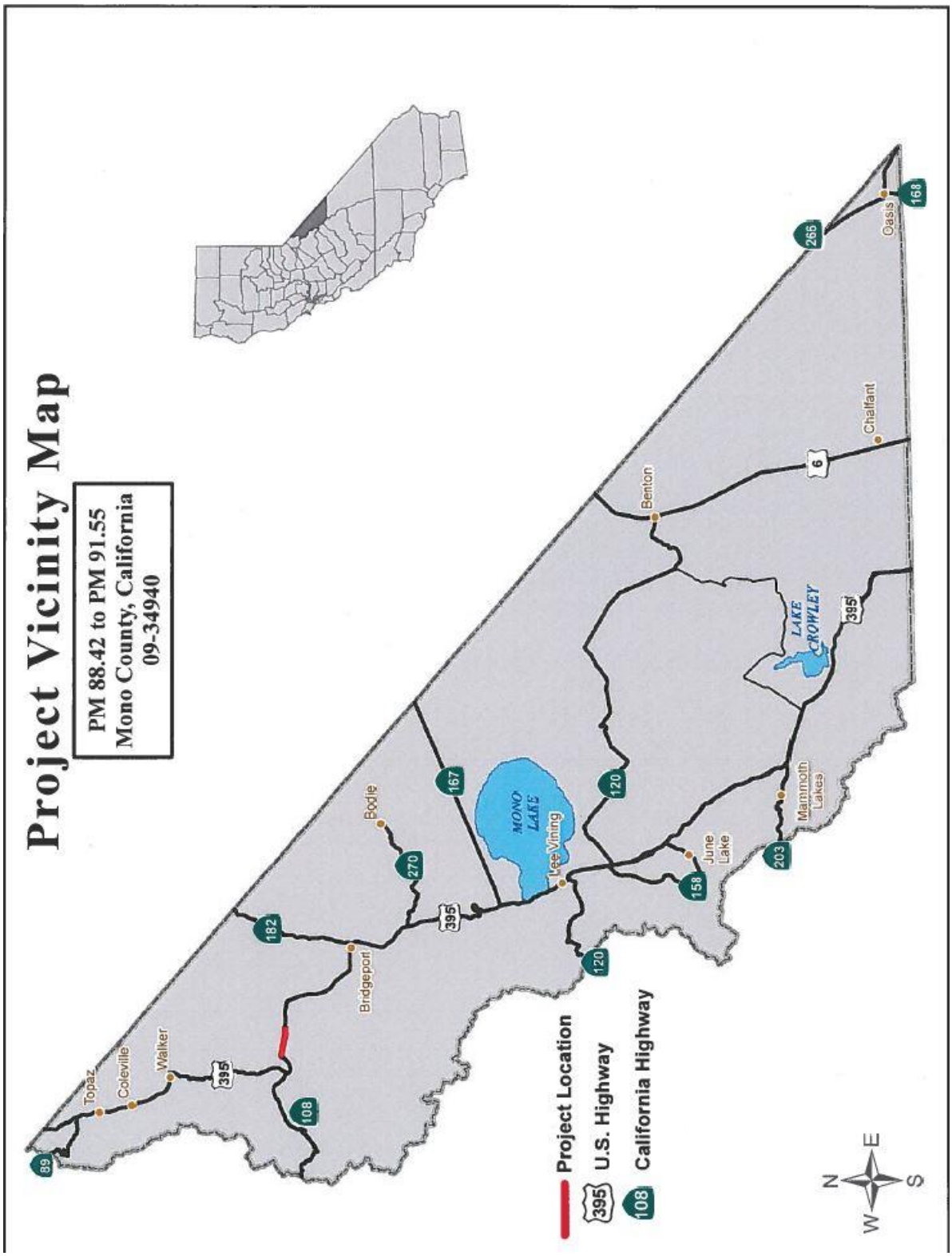
Cultural Resources
Impact to cultural resources would be avoided under the provisions of the Caltrans, Federal Highway Administration, and the use of ESAs pursuant to Section X.B(1)(a) of the State Historic Preservation Officer Programmatic Agreement for Compliance with Section 106 of the National Historic Preservation Act.

Paleontological Resources
Impacts to paleontological resources would be minimized by implementing a well-designed paleontological resource mitigation plan.

Wetlands
Impacts to wetlands will be mitigated through the purchase of credits from an approved bank at a ratio to be determined during the permitting process with the United States Army Corps of Engineers.

Section 4(f)
A Section 4(f) evaluation is required due to Scenic Resources, archaeological sites, and cultural landscape /property that exists within the project limits.


Project Location Map
PM 88.42 to PM 91.55
Mono County, California
09-34940
Begin Project (PM 88.42)
End Project (PM 91.55)
395
108
Project Location
U.S. Highway
California Highway
N
E
W
S


Project Vicinity Map
PM 88.42 to PM 91.55
Mono County, California
09-34940
Topaz
Coleville
Walker
Bridgeport
Bodie
Benton
Chalfant
Oasis
Mammoth Lakes
June Lake
Lee Vining
MONO LAKE
LAKE CROWLEY
Project Location
U.S. Highway
California Highway
N
E
S
W

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Aspen Fales Shoulder Widening

Lead Agency: California Dept. of Transportation — Contact Person: Angela Calloway
Mailing Address: 500 S. Main Street — Phone: 760-872-0601
City: Bishop — Zip: 93514 — County: Inyo

Project Location: County: Mono — City/Nearest Community: Bridgeport
Cross Streets: State Route 395 — Zip Code: 93517
Longitude/Latitude (degrees, minutes and seconds): 38 ° 20 ′ 56.2 ″ N / 119 ° 22 ′ 14.6 ″ W Total Acres: N/A
Assessor's Parcel No.: — Section: — Twp.: — Range: — Base:
Within 2 Miles: State Hwy #: 395 — Waterways:
Airports: N/A — Railways: N/A — Schools: N/A

Document Type:

CEQA: ☒ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other:
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other:

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other:

Development Type:

☐ Residential: Units — Acres
☐ Office: Sq.ft. — Acres — Employees
☐ Commercial: Sq.ft. — Acres — Employees
☐ Industrial: Sq.ft. — Acres — Employees
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type — MGD
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type — MW
☐ Waste Treatment: Type — MGD
☐ Hazardous Waste: Type
☐ Other:

Project Issues Discussed in Document:

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☒ Drainage/Absorption
☒ Economic/Jobs
☐ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☐ Minerals
☒ Noise
☐ Population/Housing Balance
☐ Public Services/Facilities
☐ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☐ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☒ Vegetation
☒ Water Quality
☐ Water Supply/Groundwater
☒ Wetland/Riparian
☐ Growth Inducement
☒ Land Use
☒ Cumulative Effects
☐ Other:

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*
The California Department of Transportation (Caltrans) proposes construction of 8 foot wide paved shoulders along approximately 3 miles of U.S. Highway 395 in Mono County. Along with the shoulder widening, other safety aspects of the project include adding rumble strips, construction of a safety edge along the new shoulders, correction of super-elevation, and the the replacement of existing drainage structures and culverts.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

____	Air Resources Board	x	Office of Historic Preservation
____	Boating & Waterways, Department of	____	Office of Public School Construction
____	California Emergency Management Agency	____	Parks & Recreation, Department of
x	California Highway Patrol	____	Pesticide Regulation, Department of
____	Caltrans District # ____	____	Public Utilities Commission
____	Caltrans Division of Aeronautics	x	Regional WQCB # 7a/7b
____	Caltrans Planning	____	Resources Agency
____	Central Valley Flood Protection Board	____	Resources Recycling and Recovery, Department of
____	Coachella Valley Mtns. Conservancy	____	S.F. Bay Conservation & Development Comm.
____	Coastal Commission	____	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
____	Colorado River Board	____	San Joaquin River Conservancy
x	Conservation, Department of	____	Santa Monica Mtns. Conservancy
____	Corrections, Department of	x	State Lands Commission
____	Delta Protection Commission	____	SWRCB: Clean Water Grants
____	Education, Department of	x	SWRCB: Water Quality
____	Energy Commission	____	SWRCB: Water Rights
x	Fish & Game Region # ____	____	Tahoe Regional Planning Agency
____	Food & Agriculture, Department of	____	Toxic Substances Control, Department of
____	Forestry and Fire Protection, Department of	x	Water Resources, Department of
____	General Services, Department of		
____	Health Services, Department of	____	Other: ____
____	Housing & Community Development	____	Other: ____
x	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date 1/18/2016 Ending Date 2/16/2016

Lead Agency (Complete if applicable):

Consulting Firm: ____
Address: ____
City/State/Zip: ____
Contact: ____
Phone: ____

Applicant: ____
Address: ____
City/State/Zip: ____
Phone: ____

Signature of Lead Agency Representative: S. Karas **Date:** 1-12-16

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Appendix N Comments and Responses

Appendix M contains comments that were received from various agencies and the public during the circulation of the Draft Environmental Impact Report and Section 4(f) De Minimis Evaluation, as well as Caltrans' responses to those comments. The public circulation period ran from December 13, 2016 to February 14, 2017.

1. Agency Comments

1.1. California Department of Fish and Wildlife

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

late
2/1/17
E

February 8, 2017

Governor's Office of Planning & Research
FEB 08 2017
STATE CLEARINGHOUSE

Angela Calloway, Environmental Office Chief
500 South Main Street
Bishop, CA 93514

Subject: **Aspen Fales Shoulder Widening Project**
Draft Environmental Impact Report
SCH# 2016012040

Dear Ms. Calloway:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Aspen Fales Shoulder Widening Project (Project) (State Clearinghouse No. 2016012040) prepared by the California Department of Transportation (Caltrans, Lead Agency). Pursuant to The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et. seq.; hereafter CEQA Guidelines), CDFW has reviewed the DEIR and offers comments and recommendations on those activities involved in the Project that are within CDFW's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096, and 15204).

CEQA Role

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

CDFW will also act as a Responsible Agency based on its regulatory authority regarding any discretionary actions (CEQA Guidelines § 15381) such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, §§ 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (ITP) for take of endangered, threatened, and/or candidate species (Fish & G. Code §§ 2050 et seq.).

Project Description

The Project proposes to widen the paved shoulders from 2 to 3 feet to 8 feet on U.S. Highway 395 in Mono County, California north of the community of Bridgeport, near Sonora Junction, from 0.3 mile north of Devil's Gate Summit to Burcham Flat Road. It would also install ground-in rumble strips in the shoulders, remove obstructions from the clear recovery zone, and extend and upgrade existing drainage structures.

Conserving California's Wildlife Since 1870

Comments and Recommendations

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, impact on biological resources.

1. Table 4 in the Natural Environment Study includes the State threatened Sierra Nevada red fox (SNRF) as a species potentially occurring or known to occur in the Project area; however, the DEIR does not address it. On January 11, 2011, an adult female SNRF was hit and killed on U.S. 395 within post-pile 91. The carcass was recovered by CHP and delivered to the Caltrans Sonora Junction maintenance station and then passed on to CDFW. SNRF are extremely rare, with the Sonora Pass population estimated to comprise only between 10-20 individuals. Crossing mitigation for the SNRF and other mesocarnivores, such as gray fox and bobcat, should be incorporated into any new highway construction projects and analyzed in the DEIR.

2. The project area bisects an important mule deer migration route used by the West Walker herd. Mule deer migrate through the project area twice annually during the spring and fall migrations. Mule deer also summer adjacent to the highway, and the north side of the Devil's Gate rock cut was identified as a concentrated movement corridor used by deer that forage in meadow habitat located on both sides of the highway. According to Caltrans road-kill data, a total of 96 road-kill deer were recorded within the project limits between 1996 and 2014. The DEIR summary (page iv) states, "The purpose of this project is to improve safety and operations along this segment of roadway for the traveling public." Although shoulder widening should increase visibility and allow motorists more time to respond and avoid collisions with deer entering the roadway, incorporating wildlife crossing mitigation into this and any new highway construction projects is necessary to fully enhance motorist safety. Crossing mitigation should include structures designed to keep deer off of the roadway by routing animals either under or over the highway. Crossing mitigation for this project can be combined with the crossing mitigation that has already been designed for post mile 91.7-96.8 (Lemus curve north to the West Walker Bridge).

3. The DEIR proposes that mitigation for permanent impacts to wetlands will occur on CDFW lands (2.2.2 WR-2, page 46). While CDFW is open to mitigating on CDFW land, please include all options as the specific opportunities are relatively unknown (e.g., future mitigation bank, acquisition and enhancement of wetland/riparian habitat with permanent protection, and Permittee responsible mitigation).

4. Regarding PS-1 and PS-6 (page 50), please note that CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals, and their habitats. If transplanting is used to minimize impacts to cut-leaf checkerbloom, a transplantation plan would need to be developed, and should include a monitoring requirement for 5 years to document survival success. Any transplantation should be done in an area of similar habitat (slope, aspect, soils, etc.). In addition, CDFW suggests collecting seed and sending it to the seed bank at the Rancho Santa Ana Botanic Garden (Claremont, California).

5. ASR 2 (page 52) states that if ground disturbance occurs during the nesting bird season, from February 15 to September 1, preconstruction surveys will be conducted to confirm the presence of migratory and nesting birds. Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Methods to avoid take of nests, eggs, or birds or bats, protected under State and Federal laws, should be proposed and should include an adequate analysis of potential impacts resulting from Project implementation. CDFW recommends that the mitigation measure ASR 2 is revised to specify that surveys will focus on all suitable nesting habitats within the project area, including the ground, and that pre-construction surveys be required no more than three days prior vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. Because some species of raptors may commence nesting activities in January, CDFW encourages Caltrans to complete nesting bird surveys regardless of time of year. The IS/MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site.

6. In addition to construction windows for birds, CDFW recommends including work windows that minimize construction impacts to migratory deer: for spring migration April 15-June 1; for fall migration October 1-November 15.

7. For sage grouse, the top wire of any new barbed wire Right of Way (ROW) fencing established in the Project area should be fitted with fence markers to minimize wire strikes by low-flying birds. CDFW also recommends that ROW fencing is designed to allow safe passage for deer with the top wire not exceeding 40 inches above ground and the bottom wire being smooth.

8. Regarding ISR 1 and 2 (page 53), inspection alone is not sufficient to prevent the spread of invasive plant species. Avoidance and minimization measures should include a weed management plan to prevent the spread and propagation of noxious weeds which details prevention/avoidance measures during construction, as well as what actions will be taken if weeds are observed in or near the Project site. Equipment cleaning methods should include pressure washing or chemical treatment of all equipment, including hand tools. Workers should also receive training to ensure their ability to detect and prevent the spread of invasive species. CDFW also recommends long-term monitoring and eradication throughout routine maintenance of the Project area.

Lake and Streambed Alteration (LSA) Program

Any project that may substantially alter a lake or streambed will require notification to CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity (as defined in Fish and Game Code section 1601(d)) to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris or waste where it may pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, watercourses with a subsurface flow, and hydraulically connected floodplains of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake or Streambed Alteration Agreement is required. A Lake or Streambed Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of a Lake or Streambed Agreement constitutes a "project", and is subject to CEQA (Pub. Resources Code §21065); the Department is thus bound by its role as a Responsible Agency to independently evaluate and approve the Environmental Document prepared by the Lead Agency, pursuant to California Code of Regulations section15096 (f). To facilitate issuance of a Lake or Streambed Agreement, the DEIR should fully identify the potential impacts to all lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended to ensure timely preparation and execution of a Lake or Streambed Alteration agreement, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms. Effective October 1, 2016, there is a new Lake and Streambed Alteration Fee Schedule listed on the website above.

Thank you for the opportunity to provide comments on the DEIR for the Aspen Fales Shoulder Widening Project. Please contact Rose Banks, Environmental Scientist, with questions regarding this letter and further coordination at (760) 873-4412 or Rose.Banks@wildlife.ca.gov.

Sincerely,

Heidi Calvert

for Leslie MacNair, Regional Manager
Inland Deserts Region

Cc: State Clearinghouse, Sacramento

Response to Comment from California Department of Fish and Wildlife

1) Concerning the Sierra Nevada red fox, the Natural Environment Study rules out the need to discuss this species further (Table 4, page 62):

   "Forested areas with dense vegetation and rocky areas do not occur within the BSA; CNDDB occurrence, from the Fales Hot Springs quad, documented one occurrence (road kill specimen) from 2011 along US Route 395, 1.2 miles east of junction with SR 108; wildlife surveys were conducted in 2014, and no sign or individuals were found"

   The California Department of Fish and Wildlife makes reference to a road-killed Sierra Nevada red fox at post mile 91 on U.S. 395 in January 2011, and suggests that all new highway construction projects should analyze and incorporate crossing mitigation in the draft EIR/EA. Caltrans has considered the effects to wildlife habitat as a result of the proposed project. From the standpoint of suitable habitat, it is unlikely that the Sonora Pass Sierra Nevada red fox population would be found within the Aspen Fales project area, since the species' home range was found to be approximately 3.5 square miles from the Sonora Pass area (Quinn & Sacks, 2014). The project area is over 12 miles from the Sonora Pass area. There is no information on the Sonora Pass Distinct Population Segment (DPS) area juvenile dispersal distances, but a study conducted in the American Midwest found that male juvenile red foxes disperse up to 18.6 miles from natal areas, and female juvenile red foxes disperse up to 6.2 miles. The female Sierra Nevada red fox that was killed by a vehicle collision was likely an anomaly since neither home ranges nor dispersal distances generally would overlap the project area. This may have been due to the significant 2010-11 winter weather, when the road kill incident occurred. The female Sierra Nevada red fox may have come down in elevation due to weather and was struck by a vehicle. To address the issue of vehicle collisions with the Sierra Nevada red fox, Caltrans notes that vehicle collisions are not a significant source of mortality for the Sierra Nevada red fox. The Sierra Nevada red fox DPS found in the Sierra Nevada Mountains may be vulnerable to extinction due to genetic swamping, outbreeding depression, and inbreeding depression in any portions of the population not undergoing hybridization with the non-native red fox species (*Vulpes vulpes*). The concerns the California Department of Fish and Wildlife has expressed through its comments on the draft EIR/EA, relating to Sierra Nevada red fox mortality, were not made apparent during consultations between the Caltrans' biologist and counterparts in California Department of Fish and Wildlife. The project's biologist coordinated with the California Department of Fish and Wildlife, U.S. Forest Service, and several other experts on this project, and Sierra Nevada red fox-vehicle collisions were not assessed to be potential impacts resulting from the project. Finally, the project itself will not significantly increase the chance of Sierra Nevada red fox, or *any wildlife species*, being involved in vehicle collisions. The project will not increase traffic volumes or road capacity (no new lanes will be constructed), which are

generally considered factors affecting wildlife-vehicle collisions. Wildlife-vehicle collisions may actually decrease in the project area due to the increased visibility created by widening and clearing the shoulders. The project may cause temporary impacts to wildlife crossing by causing potential avoidance of the area.

2) Caltrans' assessment is that there will not be permanent or long-term impacts to migration from this project. The proposed project will not preclude deer from migrating. Between 2008 and 2013, there were 23 collisions total (which included 5 stated collisions with deer and 1 with an undescribed animal) within the project area. Deer vehicle collisions (DVCs) made up 21.7% of all collisions recorded during this time. The collisions with wildlife during the 5-year period only involved one injury and no fatalities. When considering mitigation techniques to reduce collisions, wildlife collisions were not a significant enough factor to influence design of this project. In addition, 78.3% of collisions were run-off-the-road type, and shoulder widening provides a suitable method to address such a collision type.

   Deer crossings (over- or underpasses) are not feasible to construct in the project area and would result in greater impacts to wetland and riparian habitats, which would require mitigation and permit fees in addition to those currently needed. The Sonora Wildlife Crossing project (referenced in California Department of Fish and Wildlife's comments) is not currently a funded project. Caltrans cannot resuscitate this project as a method of reducing deer vehicle collisions. As previously mentioned, the project itself will not significantly increase the chance of mule deer, nor any wildlife species, being involved in vehicle collisions since it will not increase traffic volumes or road capacity. There is not enough current data to support the assertion that construction activities may cause mule deer to avoid crossing the highway during construction. It is just as likely that mule deer will migrate across the highway in a different location, away from construction activities. Construction activities also will not occur during night hours, which would allow mule deer to enter the project area during those times. Caltrans would like to work with the California Department of Fish and Wildlife and other agencies in determining the best strategy to reduce wildlife-vehicle collisions in order to increase the safety of drivers and wildlife alike on Eastern Sierra highways. This topic may be better addressed as a district-wide assessment rather than an individual project basis.

   Construction windows are not necessary nor feasible for this project as they will further constrict the project construction season, which is already affected by severe winter weather; however, this project will include greater sage-grouse construction windows from March 15 to June 30. This coincides with spring deer migration, and thus construction activities will not affect spring migrations of mule deer.

3) Potential methods for mitigation, and sites for mitigation offsets related to impacts to wetlands and riparian habitat, will be determined through the permit process with U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board and California Department of Fish and Wildlife. An appropriate mitigation plan will be implemented that will satisfy permit conditions and may be in the form of in-lieu fees, future mitigation banks, and/or on-site or off-site enhancement of wetland/riparian habitat. Mitigation on California Department of Fish and Wildlife lands were discussed by previous Caltrans Biologist and California Department of Fish and Wildlife staff during the survey phase of this project. Caltrans will coordinate with U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, and California Department of Fish and Wildlife during the permit process to identify appropriate and available mitigation areas, ratios, monitoring, and reporting requirements.

4) Caltrans concurs that translocation or transplantation is not the ideal method for mitigating impacts to rare plants, but is the only method currently available to mitigate for impacts to this species. Caltrans will be developing a transplantation plan for cutleaf checkerbloom that Environmentally Sensitive Area (ESA) fencing cannot protect, but is nevertheless found within the project impact area (PIA). Environmentally Sensitive Area fencing will be placed to avoid impacting cutleaf checkerbloom outside the PIA. Monitoring will be conducted for up to 5 years, tracking the success of propagation within habitats similar to that from which the plants were removed. Seed collection may also be conducted to add to the species seed bank at the Santa Ana Botanical Garden. Collection would occur in 2017 and 2018.

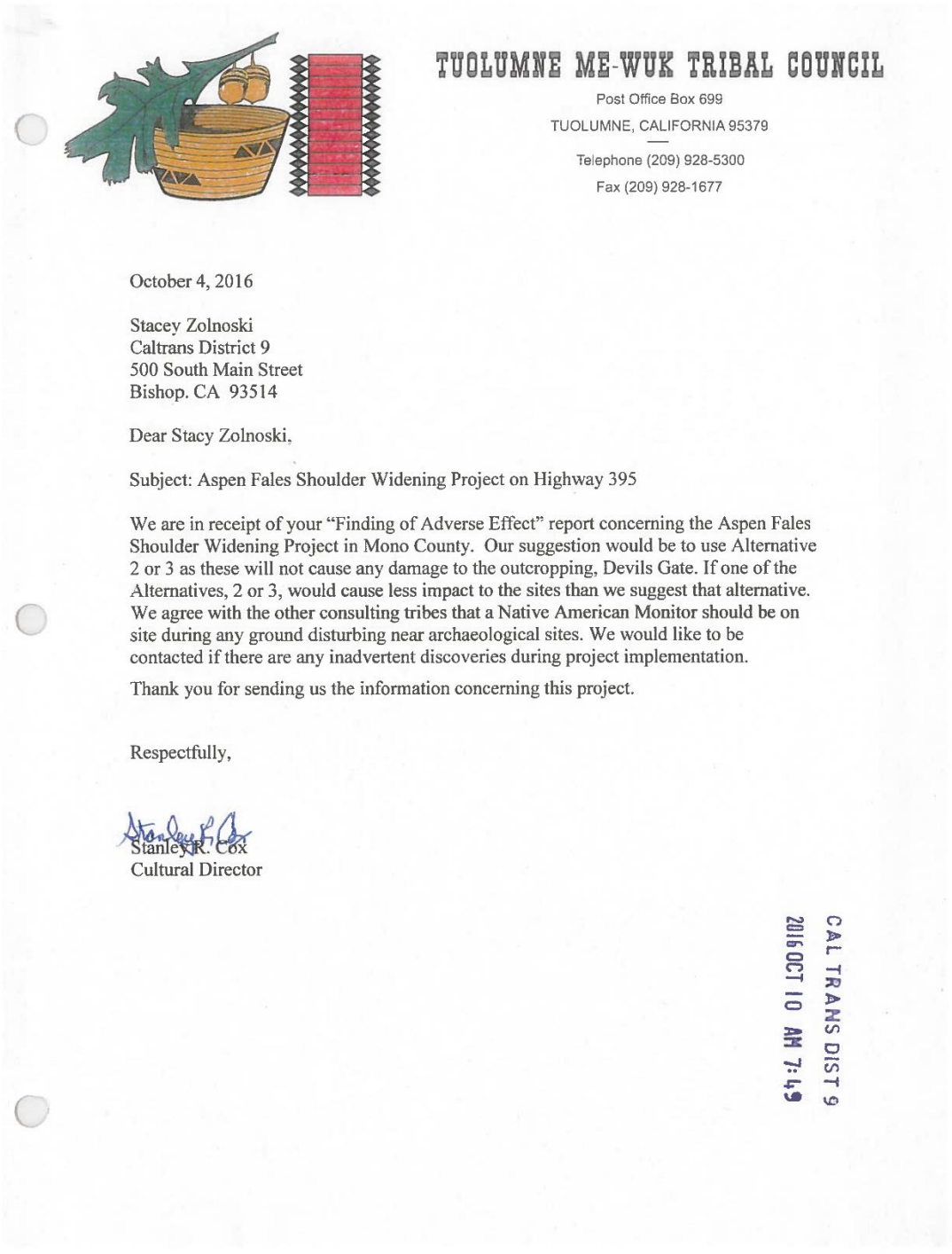
5) Caltrans acknowledges the need to protect nesting and migratory birds and bats that may be affected by the construction of the proposed project. Mitigation measure ASR-2 will specify that seasonal construction windows will be implemented for greater sage-grouse lek season avoidance, March 15–June 30. Also, ASR-3 will require that preconstruction surveys for nesting and migratory birds be conducted at least 2 days prior to start of construction, within 250 feet of the project impact area (PIA) in all available nesting habitats (structures, trees, shrubs, ground, and cliffs). If a nest is found within the PIA, a biological construction monitor will delay construction activities within a 250-foot buffer around the nest until nesting activities are completed. If a nest is found outside of the PIA but within 250 feet of the project area, a biological construction monitor will monitor the nest to determine if construction activities are negatively impacting nesting behavior. If nesting behavior is impacted, construction delays will be implemented within a 250-foot buffer around the nest until nesting activities are complete. Nesting surveys are generally conducted between February 15 and September 30 of each year, but as there may be potential habitat for nesting raptors within 500 feet of the project area, preconstruction nesting bird surveys will be conducted a minimum of 2 days prior to construction, no matter the time of year.

6) The installation of right-of-way fence is not part of the project's scope of work, so fencing markers and height requirements are not applicable. Any private property fence that is taken by the project would be replaced with similar fencing.

7) Caltrans and its contractors are always required to employ equipment-cleaning and eradication strategies and will apply all necessary methods of invasive weed control to this project. These methods include special provisions in the contract for construction that include the following:
    - Pressure washing equipment and tools
    - Providing contractor training about avoiding the spread of invasive plant species

Worker training for cleaning and eradication strategies will be included in the project's plans. Caltrans will also use weed-free materials as part of our best management practices (BMPs) in the contract. Caltrans will also re-seed areas of permanent and temporary impact with local native plant species found within the project area. It should be noted that seed mixes are tested to ensure minimal invasive plant seeds present. Caltrans will also be monitoring the success of erosion control and re-seeded areas by visiting the site in subsequent years (3-5 years) and employing weed removal methods if necessary, especially in on-site mitigation areas.

1.2. Tuolumne Me-Wuk Tribal Council



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699
TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300
Fax (209) 928-1677

October 4, 2016

Stacey Zolnoski
Caltrans District 9
500 South Main Street
Bishop. CA 93514

Dear Stacy Zolnoski,

Subject: Aspen Fales Shoulder Widening Project on Highway 395

We are in receipt of your "Finding of Adverse Effect" report concerning the Aspen Fales Shoulder Widening Project in Mono County. Our suggestion would be to use Alternative 2 or 3 as these will not cause any damage to the outcropping, Devils Gate. If one of the Alternatives, 2 or 3, would cause less impact to the sites than we suggest that alternative. We agree with the other consulting tribes that a Native American Monitor should be on site during any ground disturbing near archaeological sites. We would like to be contacted if there are any inadvertent discoveries during project implementation.

Thank you for sending us the information concerning this project.

Respectfully,

Stanley R. Cox
Cultural Director

CAL TRANS DIST 9
2016 OCT 10 AM 7:49

Response to comment from Tuolumne Me-Wuk Tribal Council
Support for Alternative 2 or 3 is acknowledged and included in the project record.

1.3. Joseph Lent (Tribal Historical Preservation Officer) Bridgeport Indian Colony

Karamitros, Steven@DOT

From: Calloway, Angie K@DOT
Sent: Wednesday, February 15, 2017 12:29 PM
To: Karamitros, Steven@DOT
Subject: FW: Ethno response

From: Zolnoski, Stacey@DOT
Sent: Wednesday, February 15, 2017 12:28 PM
To: Calloway, Angie K@DOT <angie.calloway@dot.ca.gov>
Cc: Karamitros, Steven@DOT <Steven.Karamitros@dot.ca.gov>
Subject: FW: Ethno response

Hi Angie,

Please include the following e-mail with the other public comments for the Aspen Fales Shoulder Widening Project.

Thank you,

Stacey

From: Joseph Lent [mailto:culture@bridgeportindiancolony.com]
Sent: Monday, February 13, 2017 8:42 AM
To: Zolnoski, Stacey@DOT <Stacey.Zolnoski@dot.ca.gov>
Subject: Ethno response

Sorry if this didn't get to you sooner, I thought I sent it.
I am unable to make the meeting on Tuesday, I teach a class on that night.
The biggest concerns that my office has on the Shoulder Widening Project is altering the Devil's Gate rock formation. We are against any alteration, defacing, scarring or removal of any part of it. We hope that the road will be able to be widened on the other side, the southern side, and not on the northern. Please "Save the Rock"!

1

Response to Comment from Joseph Lent (THPO), Bridgeport Indian Colony

Support for any of the alternatives that do not affect the outcropping is acknowledged and included in the project record.

1.4. Native American Heritage Commission

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor

February 9, 2016

Angela Calloway
California Department of Transportation, District 9
500 S. Main Street
Bishop, CA 93514-3423

RE: SCH# 2016012040, Aspen Fales Shoulder Widening

Dear Ms. Calloway:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws**.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
    a. A brief description of the project.
    b. The lead agency contact information.
    c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
   a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
   a. Alternatives to the project.
   b. Recommended mitigation measures.
   c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.
   d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
   a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
   b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
   a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
   b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
   a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.
ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
i. Protecting the cultural character and integrity of the resource.
ii. Protecting the traditional use of the resource.
iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52

and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
   a. If part or all of the APE has been previously surveyed for cultural resources.
   b. If any known cultural resources have been already been recorded on or adjacent to the APE.
   c. If the probability is low, moderate, or high that cultural resources are located in the APE.
   d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
   b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Joshua Standing Horse
Associate Governmental Program Analyst
cc: State Clearinghouse

4

Response to Comment from Native American Heritage Commission

This submission to the Notice of Preparation of a draft EIR/EA is acknowledged and included in the project record.

1.5. U.S. Forest Service

Karamitros, Steven@DOT

From: Rodriguez, Katie@DOT
Sent: Thursday, April 20, 2017 8:25 AM
To: Karamitros, Steven@DOT
Subject: FW: Caltrans- Little Walker Shoulder Widening Project
Attachments: BSSG_Final_ROD_51616ao.pdf

This email was in reference to Little Walker but still applies to Aspen Fales as they both have GSG. ☺

Katie

From: Orlando, Anne - FS [mailto:anneorlando@fs.fed.us]
Sent: Friday, March 24, 2017 2:10 PM
To: Rodriguez, Katie@DOT <Katie.Rodriguez@dot.ca.gov>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hi Katie

I also located the documentation for the Limited Operations Period. Our forest plan amendment for Bi-state sage-grouse has a table of dates—page 40 attached. Its March 1-June 30 to cover lek and nesting season. In the past there was some variation in dates but these are what we decided on.
(attached)

Anne

From: Rodriguez, Katie@DOT [mailto:Katie.Rodriguez@dot.ca.gov]
Sent: Tuesday, March 21, 2017 5:25 PM
To: Orlando, Anne - FS <anneorlando@fs.fed.us>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Anne,

Thank you so much for getting back to me. I understand the sensitive nature of the lek data so I will work with our Engineer to get shapefiles to submit for projects where Sage grouse may be.

Thanks also for the clarification on the construction window timing- the original documents we had must not have included nesting season as well.

I have contacted Sherri about assisting with lek counts so I hope to get out there soon!

Thanks,
Katie

From: Orlando, Anne - FS [mailto:anneorlando@fs.fed.us]
Sent: Tuesday, March 21, 2017 1:02 PM
To: Rodriguez, Katie@DOT <Katie.Rodriguez@dot.ca.gov>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hi Katie

1

Sherri Lisius at BLM in Bishop will be a good contact regarding getting out on lek surveys. They are mainly done by NDOW in Nevada, CDFW in California, and BLM, with some participation by Forest Service. I'll forward you an email from Sherri next.

As for the shapefiles they are considered sensitive data. We get the data from NDOW and CDFW but have an MOU that says we won't hand it out. However if you fill out a sensitive data request form I'm sure that the agencies could send you the lek sites. Usually I have to submit a shapefile and they'll give you data on all leks within a 4-mile buffer zone.

For the limited operation period for sage grouse, we typically use March 15-June 30. This covers the typical lekking/breeding season as well as the nesting season, since nests are often not too far from lek sites. The Bi-state sage-grouse, the distinct population segment of greater sage-grouse that we are dealing with, is treated somewhat differently than the greater sage-grouse and has its own set of agreements developed in the last few years. Typically the BSSG standards are easier to deal with and less complicated than those for the GSG.

Anne

From: Rodriguez, Katie@DOT [mailto:Katie.Rodriguez@dot.ca.gov]
Sent: Tuesday, March 21, 2017 11:42 AM
To: Orlando, Anne - FS <anneorlando@fs.fed.us>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hello Anne,

Thank you for your previous comment about the DEIR for the Aspen Fales project and requesting the GSG lek construction window. I have a couple of questions for you:

- Could I get access to the lek shapefiles to see the location of the leks in relation to the project area?
- The original Caltrans Biologist on this project (Jenny Richardson) wrote the Biological Report, and stated that the lek construction windows should occur between mid-March through early May. Could you provide me with the most recent information about accurate lek seasons? I am trying to find it documented somewhere but don't seem to be finding it.... I know you said previously April 1- June 30.

Are you going to be conducting lek surveys within the Desert Creek/Fales PMU? Myself and a couple other Biologists in my office would love to assist with those if we could come out and volunteer. It would be good for us to be more aware of lek sites and their status as many of our projects are within 4 miles of several leks.

Thanks and let me know what you think...

Katie

From: Orlando, Anne - FS [mailto:anneorlando@fs.fed.us]
Sent: Tuesday, February 21, 2017 2:44 PM
To: Rodriguez, Katie@DOT <Katie.Rodriguez@dot.ca.gov>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hi Katie,

Yes, I pasted my reply to an old email from you. Sorry for the confusion and thanks for the clarification. For either project my request would be the same—to have the limited operation period so as not to cause disturbance during the sage grouse mating and nesting periods. It sounds like you have built that in. For the shoulder widening project, our concerns sound like what you already have in mind—limiting or mitigating for destruction of habitat (this sounds however like a very small area), and not having disturbance during the mating and nesting seasons.

Have you obtained the latest lek data? I have to request the latest data project by project, so its always helpful to get a shapefile of the area to go with my request—then I can assess the site more quickly.

Anne

From: Rodriguez, Katie@DOT [mailto:Katie.Rodriguez@dot.ca.gov]
Sent: Friday, February 17, 2017 4:19 PM
To: Orlando, Anne - FS <anneorlando@fs.fed.us>
Cc: Marshall, Jeremy -FS <jmarshall02@fs.fed.us>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hello Anne,

So I think there may be a bit of miscommunication on my part. The Aspen Fales project currently has a Draft EIR out for public review and comment which is I believe what you reviewed and submitted the comments for below. We do have provisions in the DEIR to include what's called a construction window (meaning the time period that work can be conducted) which is to avoid impacts to GSG lek season. I believe however that we received an official comment from USFS from Humboldt-Toiyabe which I don't believe had any comments on biological resources. I will still go ahead and forward your comments to my coworker who is writing the environmental document so your comment will be addressed. Also, none of the alternatives in Aspen Fales actually move the road- there will be widening of paved areas to increase the shoulder size (the main purpose of the project) but the proposed alternatives will not move the road bed from its current location. But thank you for identifying the alternative you would prefer which would have a minimal amount of impact to wetland habitat.

The original message I sent you was to find out if you had concerns about a different project which is just north of the Aspen Fales project called Little Walker Shoulders. We will be acquiring an easement from your office for this project, and as such we want to coordinate with USFS staff as much as possible to ensure that any concerns are addressed. The Little Walker project is still in the phase where we are collecting information for our reports, mine being the biological report. The draft environmental document will be available for public review likely in April or May of this year. I was going to include a construction window for this project also, as I assumed there are active leks nearby as well. This project will include vegetation removal in several sagebrush scrub areas and I wanted to find out if your Forest management plan requires mitigation for removal of GSG habitat if identified in the project impact area. If that is the case, I would like to coordinate with you to assess the impact areas to determine if they have the qualities of GSG habitat. I can submit you more information about this project if you would like, however I have not finalized my biological report yet. If you could let me know what potential issues this project could have that you have concerns about I would like to try and address those in my report. I would also be happy to meet you in the field to review the project once the weather is better. If you have any questions let me know and I hope to hear from you soon. Thanks for your time, I appreciate it.

Katie

From: Orlando, Anne - FS [mailto:anneorlando@fs.fed.us]
Sent: Friday, February 17, 2017 3:50 PM
To: Rodriguez, Katie@DOT <Katie.Rodriguez@dot.ca.gov>
Cc: Marshall, Jeremy -FS <jmarshall02@fs.fed.us>
Subject: RE: Caltrans- Little Walker Shoulder Widening Project

Hello Katie,

There are several active and inactive bi-state sage grouse leks within the standard 4-mile buffer zone (area of impact for sage grouse) for the Aspen Fales Shoulder Widening Project. Active leks sites are as close as 1.5 km, and an historic lek is

Responses to Comments from U.S. Forest Service

Per this comment, construction windows for greater sage-grouse have been incorporated into the project and are included in the project record.

2. Public Comments

2.1. Louis Bergeron

Karamitros, Steven@DOT

From: Calloway, Angie K@DOT
Sent: Tuesday, February 14, 2017 2:58 PM
To: Karamitros, Steven@DOT
Subject: Fwd: Input regarding the Aspen Fales Shoulder Widening Project

Sent from my iPhone

Begin forwarded message:

From: Louis Bergeron <bergeron.lk@gmail.com>
Date: February 14, 2017 at 2:48:40 PM PST
To: angela.calloway@dot.ca.gov
Subject: Input regarding the Aspen Fales Shoulder Widening Project

Dear Ms. Calloway,

I am writing in regard to the Aspen Fales Shoulder Widening Project, a proposed widening of the shoulder on California Highway 395 in Mono County, on a section between Sonora Junction and Bridgeport, CA.

I have read the Draft Environmental Impact Report and am convinced that some sort of modification is appropriate and necessary to promote public safety along this stretch of road. My congratulations to Caltrans for pursuing this modification.

I have examined the three different alternatives, along with each of their options and feel strongly that Alternative 2, either Option B or Option C would be the best approach.

Here's why:

Alternative 1 is unnecessarily destructive and expensive - over $7 million dollars and the loss of an outcrop that is both aesthetically pleasing and geologically impressive. Under no circumstances should Alternative 1 be pursued. All three of its options are appalling in their impact on the landscape and environment. Please, please, DO NOT put Alternative 1 into action.

Alternative 3 is preferable to Alternative 1, but the degree of impact on the grove of aspen trees in Alternative 3 concerns me. Although the summary write-up on page 10 says only that it "will require removal of several of the aspens closest to the highway," judging by the road alignment shown in Figure 1-7, it appears that close to a dozen or more trees might be lost. I feel this loss would be excessive and unnecessary. Please do not pursue Alternative 3.

Please select Alternative 2, either Option B or Option C for implementation.

I have not chosen between the two options because in the illustrations on page 10, the centerlines of the two options appear virtually identical. In addition, I couldn't help but note that the summaries of each option given on page 10 are identical, word for word, punctuation mark for punctuation mark. This extreme "similarity" disturbs me.

1

If CalTrans decides to proceed on the basis of which alternative and option received the most public support, then treating the vote totals for Options B and C of Alternative 2 as separate totals actually dilutes the number of votes for what appears to be the same option. Because of the way in which these options are presented in the report, the total support for Options B and C should be combined.

I hope Caltrans will share the results of the public input with the public once the comment period closes.

Finally, I have spent many years on the east side of the Sierra Nevada, especially from Big Pine to Lake Tahoe, both as a working geologist and as a vacationer and the landscape along 395 is something that I hold quite dear. If the impact of this very necessary roadway modification is to be minimized, then Alternative 2, either Option B or Option C, is clearly the best way to proceed.

Thank you for extending the public comment period through February 14, 2017.

And thank you also for all that you and the other women and men of Caltrans do for the benefit and safety of the motoring public in the state of California.

Sincerely,

Louis K. Bergeron

2

Response to Louis Bergeron

The detail map on page 9 of the draft EIR/EA shows two different lines for Alternatives 2B and 2C. The alternatives have a 2-foot difference, but at the scale of the detail map, this is difficult to discern. Also, clarity regarding the different "options" to a single alternative, such as the one on page 10, could be improved. Caltrans has revised this description to acknowledge that Option 2B provides 10 feet of clearance at the rock outcrop, while Option 2C provides 8 feet of clearance.

2.2. Dianne Tuley-Brown and Bill Brown

CALTRANS DIST 9
2017 FEB 13 PM 4:25

Dianne Tuley-Brown and Bill Brown
Sweetwater Projects, LLC
14755 Oak Street
Saratoga, CA, 95070

February 7, 2017

Caltrans District 9
Attn: Ms. Angela Calloway
500 S. Main Street
Bishop, CA 93514

Dear Ms. Calloway,

We are sending this letter in hopes of highlighting some concerns that we have about the Aspen Fales Shoulder Widening project as it affects us at our Fales Hot Springs property. First, we want to thank the team, especially Steven Karamitros, for the timely and helpful responses to questions. We found the information in the three project assessment books useful.

Our individual location at Fales Hot Springs is a unique condition along the proposed project corridor. It is unique because the house is quite close to the road, the property's shape, as it mainly borders Hwy 395, and because the history of the location attracts unwanted, uninvited visitors.

The first point of concern is regarding the rumble strip. We are concerned about the increased noise and vibration that will be experienced at our house and on our property from traffic intermittently crossing the rumble strip. We do not want increased road noise at our house and property as a result of this project. We read a report about rumble-strip noise on Caltrans' website at http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/rumble_strip_noise_preliminary_investigation_3-5-12.pdf One thing that this report says is: "Results from a Michigan study showed a 16.2-decibel increase in exterior noise levels 95 feet from the road for a test vehicle driven at 70 mph over edge-line rumble strips, and a 25-decibel increase for another test at 50 feet." Our house is within 50 feet of the proposed rumble strip. Based on this proximity, it appears that there will may a 25-decibel increase at our house. It appears that the low frequency sound from rumble strips travels further than existing higher frequency traffic sounds. Based on this, is our entire property likely to be impacted? This Caltrans report discusses that in most states rumble strips are generally not used near residential areas due to the noise. It also discusses that there are different designs of rumble strips and that some

designs have reduced noise levels. We don't want more road noise at our house and property as a result of this project.

The second point of concern is that our property will experience an increase in trespassers due to the access provided by the shoulder widening. We already experience too much trespassing. This trespassing, we suspect, is partially due to the accessible turnout at our house and at our west road and partially due to Fales Hot Springs being listed as a resort in some old tour books. We don't want this project to cause an increase in uninvited, unwanted visitors. We are concerned that the expanded access from the wider shoulders will lead to exactly this.

The afore mentioned issues, in our opinion, require that we discuss and find appropriate mitigation. We appreciate your willingness to address and assess. We are looking forward to reviewing with Caltrans.

Sincerely,

Dianne Tuley-Brown
William Brown

ASPEN US 395 FALES

Shoulder Widening Project

Comment Card

NAME: DIANNE TULEY-BROWN FALES HOT SPRINGS

ADDRESS: 14755 OAK ST CITY: ~~SARATOGA~~ ZIP: 95070

REPRESENTING: FALES HOT SPRINGS / SWEETWATER PROJECTS LLC

☒ ~~Please add me to the project mailing list.~~ ALREADY ON IT

☑ Please email me updates on this project. E-mail Address: DIANNE.TULEYBROWN@GMAIL.COM

I would like the following comments filed in the record* (please print):

(1) IF DEVIL'S GATE ROCK IS CUT, PLEASE USE CHEMICAL EXPANSION MATS

(2) WE ARE CONCERNED THAT IN SPOTS THE ~~EXIST~~ EXISTING SHOULDER IS NOT WIDE ENOUGH FOR PROPOSED EXPANSION. THIS IS ON OUR PROPERTY BOUNDARY / ADJACENT TO OUR PROPERTY

(3) REQUEST ACCOUSTICAL ANALYSIS AND MITIGATION OF NOISE FROM RUMBLE STRIP.

(4) → ON BACK

*Place your comments into the Comment Box tonight or mail your comments by ~~January 31~~ Feb. 14, 2017 to:

CALTRANS
Attn: Angela Calloway
Office Chief
500 S. Main Street
Bishop, CA 93514

How Did You Hear About This Meeting? ☐ newspaper ☐ newsletter ☐ someone told me about it ☑ other: LETTER FROM CALTRANS

Caltrans Caltrans Caltrans Caltrans

(4) Is there a more "broken down" or detailed safety-accident report for each section of the project?

Is the big safety accident area where the turn isn't cambered quite right at Burcham Flat road?

Response to Dianne Tuley-Brown and Bill Brown

This project is exempt under CFR 772.7 from providing noise analysis or abatement measures. However, Caltrans will conduct an informal noise assessment, and will then establish where to suspend the rumble strip. As of now, a gap in the rumble strip will be located where the noise levels are the highest, near your property.

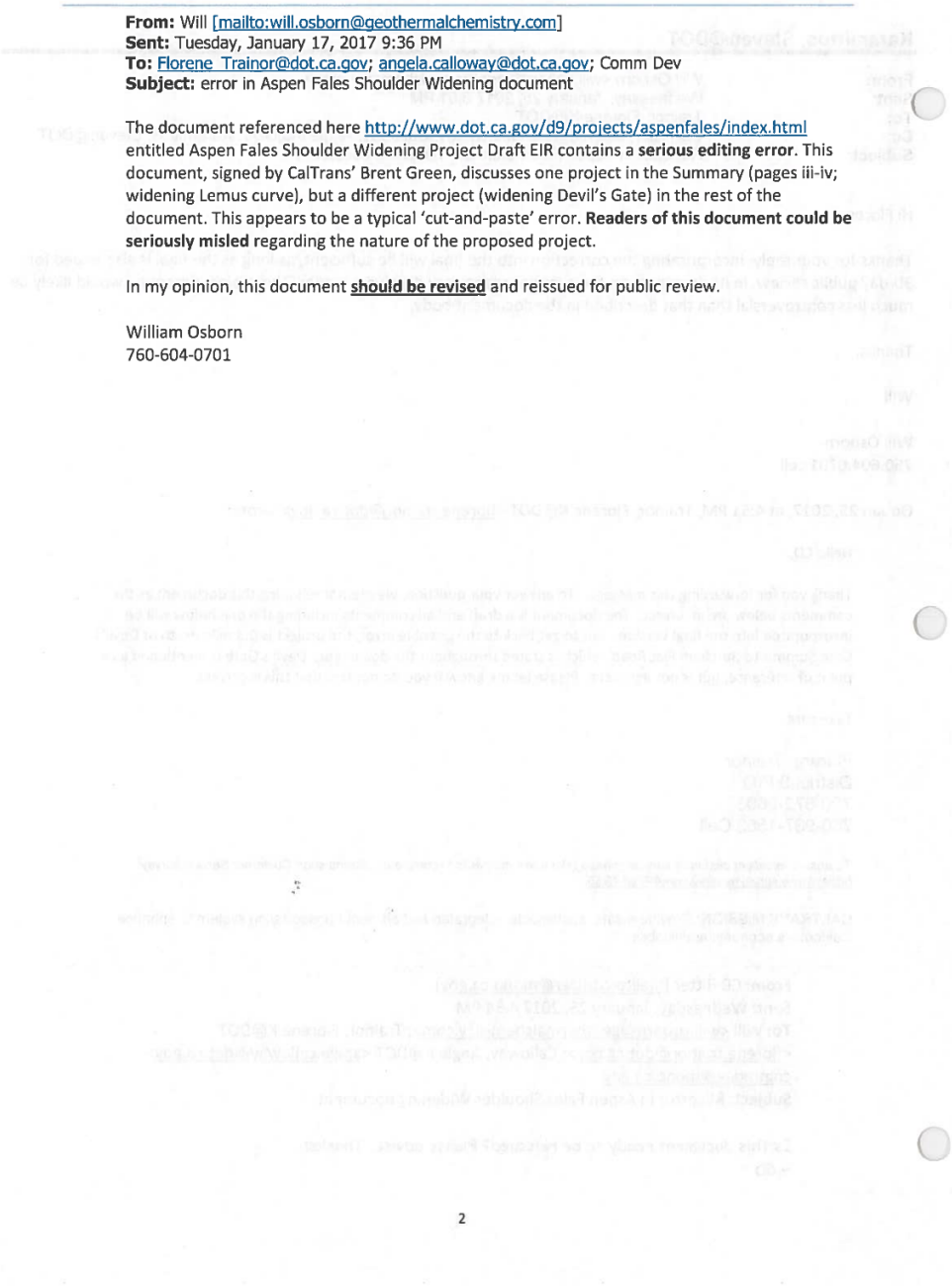
The preferred alternative does not include cutting the rock formation.

The project will provide permanent erosion control on the side slopes, and include turnout areas not along this property. Turnout areas would be more conducive to parking than shoulders. The project would not be encouraging additional parking along this property frontage, but should be discouraging it.

In general, the proposed project will construct the widening improvements within the existing disturbed roadway area. To do this, the side slopes will be adjusted so that they do not go beyond the existing toe of the slope. There is a significant fill on the east side of this property, and the south side of the road that will have very steep side slopes (1.5:1). If it is determined that the side slopes would not be stable at 1.5:1, Caltrans will consider some sort of retaining system to support the wider roadbed.

Collision locations are noted by specific post mile location, and details are not published due to confidentiality. The collision concentration is higher at Lemus Curve (which includes the Burcham Flat Road intersection); Caltrans is adjusting the super-elevation of the curve to improve safety. Beyond that, the collisions are generally spread throughout the project limits.

2.3. Will Osborn



From: Will [mailto:will.osborn@geothermalchemistry.com]
Sent: Tuesday, January 17, 2017 9:36 PM
To: Florene_Trainor@dot.ca.gov; angela.calloway@dot.ca.gov; Comm Dev
Subject: error in Aspen Fales Shoulder Widening document

The document referenced here http://www.dot.ca.gov/d9/projects/aspenfales/index.html entitled Aspen Fales Shoulder Widening Project Draft EIR contains a **serious editing error**. This document, signed by CalTrans' Brent Green, discusses one project in the Summary (pages iii-iv; widening Lemus curve), but a different project (widening Devil's Gate) in the rest of the document. This appears to be a typical 'cut-and-paste' error. **Readers of this document could be seriously misled** regarding the nature of the proposed project.

In my opinion, this document **should be revised** and reissued for public review.

William Osborn
760-604-0701

2

Response to Will Osborn

The Lemus Curve is within the project (Aspen Fales Shoulder Widening) limits (post miles 91.25 to 91.55). This project proposes to reconstruct the Lemus Curve with a standard super-elevation geometry. The Summary and the Project Description section, in the draft EIR/EA, are very specific as to the limits of work: post miles 88.42 to 91.55.

2.4. Dawne and Brett Emery

Attention: Angela Calloway
Environmental Office Chief
California Dept of Transportation
500 South Main St.
Bishop, CA 93514

February 14, 2017

RE: Aspen Fales Shoulder Widening Project

The Lemus curve from 91.25-91.55 miles is noted to have 1.2-1.37 higher fatal/injury accident rate than the average for the highway? It should be noted that there is an elevational drop that results in a semi-blind hill, however, the striping on this section allows for vehicles both on the downhill and uphill sides of the section to pass legally. A less expensive and less invasive fix to reduce the accident rate would be to double line this section of highway, thereby avoiding further impacts to wetlands and riparian areas of the state. Reducing the posted speed limit may also reduce the accident rate. The document does not reveal the dates of accidents—are the majority during winter/spring when ice is on the highway? Portions of Highway 395 near Devils Gate are permanently shaded by the ridge to the south during the winter months and remain icy when the rest of the highway is clear of ice and snow.

The Preliminary Environmental Analysis Report suggests a mitigation rate for wetland loss at 3:1. In the document, the rate is reduced to 1.5:1, presumably based upon LRWQCB input. We feel that the rate should be at the higher 3:1, based upon the importance of California's diminishing wetland and the degrading impacts that are imposed upon wetlands adjacent to the highway due to maintenance and being a travel corridor (see next paragraph). We also are concerned that the permanent acreage of wetland and riparian habitat may have been underestimated. Also, there does not seem to be any way within the document to discern any difference in wetland quality that is impacted via the various alternatives. Thus, an analysis may be that the least amount of acreage impacted would be the best alternative from an environmental perspective—from the general information in the document, we are assuming that the wetland quality impacted throughout all alternatives is the same. Is the area of wetland quality impacted across all alternatives the same or do the some of alternatives impact lesser quality wetland and riparian habitat?

In addition to the permanent wetland loss, there will now be additional degradation of the remaining wetlands immediately adjacent to the highway shoulder. Thus, regarding wetlands and open water habitat, the acreage impacted may be undervalued: the area eliminated will result in the adjacent wetlands/waters being impacted during routine maintenance as well as from road debris, oil, tire pieces, garbage and asphalt chunks. During winter maintenance activities, snow containing pollutants (trash, petroleum/hydrocarbon exhaust and spills, brine, heavy metals, in addition to cinders that increase snow melting rates) is blown over 100 feet from the highway shoulder on to the adjacent private and public parcels. This area should be considered as permanently impacted, as it impacts water quality in perpetuity. The document states that permanent impacts to riparian areas range from .13-.22 acres, but contains no information regarding the quality of those riparian areas, and no mention of including maintenance activities in the permanent impact, so we believe that these values are under-estimated.

Relocating Digital 395, installation of which increased weedy invasive species distribution along much of the Highway 395 corridor, would potentially lead to more of the same. The project should include annual monitoring and eradication of weeds until the project site is stable.

This section of the highway is a Designated Scenic highway corridor. Blasting the rock would result in a degradation of the scenic value of the corridor, (i.e.ugly!) and should be avoided.

Alternatives 2 (a-c) and 3 disturb 13.4 acres, one more acre than that of Alternatives 1(a-c), but Alt1 includes obliterating part of the namesake of the summit, which would also increase petroleum use needed to remove rock falling from the blasted, potentially less-stable bedrock. All alternatives create permanently impervious surfaces @5 acres, which will increase runoff and erosion and decrease water percolation/storage of ground water.

Why does Fales have 8 foot shoulders with increased wetland impacts when the Little Walker Shoulder project has only 6 foot shoulders? What is gained by the extra two feet?

1a	0.19 acre permanent wetland loss	0.14 acre permanent riparian loss	Blast Devil's Gate
1b	0.19 acre permanent wetland loss	0.14 acre permanent riparian loss	Blast Devil's Gate
1c	0.19 acre permanent wetland loss	0.14 acre permanent riparian loss	Blast Devil's Gate
2a	0.37 acre permanent wetland loss	0.18 acre permanent riparian loss	No impact to rock
2b	0.21 acre permanent wetland loss	0.14 acre permanent riparian loss	No impact to rock
2c	0.19 acre permanent wetland loss	0.13 acre permanent riparian loss	No impact to rock
3	0.21 acre permanent wetland loss	0.14 acre permanent riparian loss	No impact to rock
No build	0.0 acre permanent wetland loss	0.22 acre permanent riparian loss	No impact to rock

Ordinarily, loss of wetlands should be avoided , however, Alt 1 includes impacts to wetlands in addition to blasting rock which may require additional maintenance. Thus, we support either the no build alternative (with a change in road striping and/or reduced speed limit) or alternative 3 which appears to have less direct impact on wetlands, assuming the quality of the acreage impacted is all the same. In addition, we believe that you most likely underestimated the acreage of wetland and riparian habitat that will be permanently impacted.

Thank you for your consideration.

Dawne and Brett Emery
P.O. Box 758
Bridgeport, CA 93517

Caltrans Response to Dawne and Brett Emery

You are suggesting that the geometrics of the highway at the Lemus Curve (specifically, the elevational drop and semi-blind hill) are prompting the accidents, and that no-passing zones or a lower posted speed limit would be a solution. These suggestions are unfeasible. Caltrans adheres to national standards when striping centerlines and passing areas, with "no-passing" areas carefully measured and set accordingly. Reducing the speed limit can only be done if supported by an engineering and traffic survey. The most recent survey shows the 85th percentile speed is 70 miles per hour northbound and 67 miles per hour southbound. Thus, the posted limit is set at the statutory maximum of 65 miles per hour. Speed may be a factor in collisions; it is not the only factor.

A few of the collisions occurred when the roads were icy, but most of them occurred when the roads were dry. The majority (14 out of 16 ~87.5%) of collisions are run-off-the-road type. National research has shown that wider shoulders reduce all collisions by up to 50%. Providing a wider shoulder allows errant drivers to return to the roadway, regardless of the cause, and provides a better recovery area for vehicles that lose control on ice. Wider shoulders provide an area to maneuver around objects that may be in the traveled way, a safer area for vehicles to park, space for pedestrians and cyclists, and access for maintenance crews.

The preferred alternative does not include cutting the rock formation.

"Quality" of wetlands is not assessed as part of the wetland delineation and determination surveys since there are no formal standards for measuring "quality" other than general diversity of wetland indicator species, or possibly the proximity to road/disturbed areas. Mitigation ratios are set by permitting agencies such as the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Boards.

Erosion control will be implemented in cut and fill areas within the project with the use of grading and seeding. Where feasible, the project will incorporate appropriate roadside erosion control measures designed to infiltrate runoff from impervious surfaces and minimize the potential for erosion. These areas then are weeded for several years after the project is complete to increase success of revegetation. The revegetation acts as a natural buffer for storm water runoff to remove any pollutants from the sheet flow. All build alternatives create temporary and permanent impacts to riparian habitat. The temporary impact areas vary between 0.12-0.26 acre, and permanent impacts vary between 0.13-0.22 acre. The total maximum impact (temporary and permanent impacts) vary between 0.26-0.44 acre. Again, "quality" of habitat was not assessed as it is not a standard for permitting requirements or assessment technique. The surveys were conducted in August 2014 and will be reassessed prior to securing permits from the California Department of Fish and Wildlife (1602 LSA Agreement), which requires temporary and permanent impacts to be reported.

Invasive plant protection is required for Caltrans' projects. This includes cleaning equipment and machinery prior to conducting work within the project area, as well as

re-seeding disturbed soil areas with California local native plant species. Caltrans will provide a weed management plan specifically to prevent the proliferation of invasive species. Any areas disturbed by the project, including areas required for utility relocation, would be covered by the weed management plan. Finally, the shoulders proposed for the Little Walker Shoulders project are 8 feet wide as well. Both projects comply with the minimum standard width for shoulders for a conventional highway. Please note that Alternatives 2B and 2C have less impact on wetlands and riparian habitat than Alternative 3 (the permanent impact on riparian habitat for Alternative 3 is 0.22 acre, not 0.14).

2.5 Mike Locke

Mike Locke
89340 US-395
Bridgeport, CA 93517
(408)893-6793
Mailing address
P.O. Box 2582
Santa Clara, Ca. 95055
Feb 12, 2017

Ref: Mono-395 PM88.42/91.55
EA/ID: 09-34940/0912000033

TO:
Angela Calloway
Environmental Office Chief
California Department of Transportation
500 South Main Street
Bishop, CA 93534

Dear Ms. Calloway,

I am the owner of the property that incorporates the Devil's Gate along the subject section of US-395. I find that the proposal of four alternatives to reduce the accident rate has overlooked several important possibilities. I offer Alternatives 4 and 5.

Suggested Alternatives

Alternative 4: Reduce the speed limit to the more commonly encountered 55 MPH on 2 lane undivided highways. The existing E&TS were performed after the speed limit was set at 65 MPH, and fail to address hazards and the accident rate for this segment of road. Most of the hazards are not readily evident to drivers. The E&TS should have proposed a statutory speed limit of 55 MPH.

Hazards overlooked by the E&TS include

- Deer migration. Dead animals on the roadside are frequently observed.
- Bear activity on the road edge. Two were killed by collisions in 2013.
- Other animal activity (coyote and badger have been seen crossing the road).
- Steep slopes to either side of the road largely due to the high road bed.
- Visual distractions including scenery, animals, and meteorology.
- Sight lines are shorter than they appear to be, particularly for sighting animals and rocks in the roadway. There is a drop off at Fales Hot Spring which has a short sight line to see the surface of the road.
- Steam from Hot Creek, which can surprise drivers in conjunction with the short sight lines as well as shorten the sight lines.
- The probability of a head-on collision, which is much more likely to be fatal at 65 MPH than at 55 MPH.

- Slow moving vehicles such as RVs and semi-truck tractors.

Alternative 5: Widen the shoulders everywhere except at the Devil's Gate. Post "Road Narrows" and a reduced advisory speed limit for the affected short section of road, similar to what has been done throughout the state when wide shoulders are impractical. Widen the shoulder through the Devil's Gate as much as possible without re-orienting the road.

Besides the above approaches, alternatives 2C and 3 can be improved by installing a deer undercrossing at the wetland immediately west of the Devil's Gate. If viable, this would reduce the hazard from the deer migration, reduce the deer kill rate, and partially restore the hydrology of the wetland.

Comments on the EIR.

Although the EIR documents that widening the road shoulders will not significantly affect wildlife kill rates, it fails to address the current opportunity to reduce the wildlife kill rate and overlooks secondary effects of shoulder widening. Reducing the speed limit should reduce the wildlife kill rate. Widening the shoulders may increase the average vehicle speed and increase the wildlife kill rate.

Extra fuel consumption associated with the 65 MPH speed limit compared to a 55 MPH speed limit increases vehicle emissions and directly or indirectly degrades the environment. The altitude and grade of the road increase this effect beyond what would be expected for an average roadway. This issue is not incorporated into the EIR.

Impacts to local residents are not adequately addressed by the EIR. In particular, it is not clear if uninterrupted access to the properties will be possible during construction. Significant impacts to my home building project will occur if access to the property is interrupted. Additionally, stock trailers need to be able to get horses and mules in and out of the pasture on my property and requires access that is adequate for such a vehicle.

There is no discussion of the impact to and repair of encroachments to the highway. There are a total of four encroachments on my properties alone. Of these, three are paved and currently in use, while one is not paved but is being considered for use to access the pasture land to the north of the road. Are all of these encroachments going to be repaired and restored? Encroachments are expensive to construct, so it should be Caltrans' responsibility to deal with these costs. Changes to encroachments may require alteration to the adjoining driveway, and any such changes should also be Caltrans' responsibility.

There is no discussion of the impact caused by disruption of fencing that is in the road work area. Fencing is needed to restrain grazing animals and especially to keep them off of the road.

The impact to the ditch on the south side of the road is unclear to me. This ditch provides spring time water to my pasture and it passes through a culvert underneath my driveway on the south side of the road. The effect of any temporary or permanent alterations to the ditch on the pasture land hydrology as well as to my driveway needs to be addressed.

Thank you for your consideration of these points.

Mike Locke

Preference for alternatives
my alt 4
my alt 5
the alternatives 3 OR 2C (equal preference)

Response to Comment from Mike Locke

Reducing the speed limit can only be done if supported by an engineering and traffic survey. The most recent survey shows the 85th percentile speed is 70 miles per hour northbound and 67 miles per hour southbound. Thus the posted limit is set at the statutory maximum of 65 miles per hour. There are no studies reviewed that demonstrate wider shoulders would increase any type of collision. Regarding vehicular strikes on wildlife, wider shoulders should reduce collisions with animals such as deer, due to increased visibility and additional shoulder area to maneuver vehicles.

During construction, there may be short interruptions in access and Caltrans will work with the property owners to provide alternative access, if necessary.

Access points with encroachment permits would be perpetuated. (If no permit exists and the access location is approved by Caltrans, the owner must obtain an encroachment permit.) Any private fencing removed for project construction would be replaced with similar fencing, prior to any work occurring in that area.

If the preferred alternative would impact the hydrological ditch feature on the south side of the road, Caltrans would relocate the ditch so that it could continue to serve its current function.

2.6 George and Christine Mead

Karamitros, Steven@DOT

From: Calloway, Angie K@DOT
Sent: Tuesday, February 14, 2017 12:25 PM
To: Karamitros, Steven@DOT
Subject: FW: Aspen Fales Shoulder Widening Public Comment

From: Christine Mead [mailto:mead_christine@hotmail.com]
Sent: Monday, February 13, 2017 8:50 PM
To: Calloway, Angie K@DOT <angie.calloway@dot.ca.gov>
Subject: Aspen Fales Shoulder Widening Public Comment

To Whom It May Concern:

I am a property owner in nearby Sonora Junction, about 3 miles northwest of Devil's Gate. I only just learned of the project so thank you for extending the public comment period.

I have not had sufficient time to fully absorb the DEIR, but my first reaction is that it appears Alternative 1 is proposed (I hope) only as a counter to the other alternatives. It seems obvious, at least to me, that to destroy the Devil's Gate feature over removing trees or temporarily (in the scheme of things) disturb wetlands is just coming up with an alternative.

This geologic feature, has a name. How many features along 395, or for that matter, in Mono County, have names? There are a multitude of beautiful features in this County, but many are fleeting in the time-scale. Many are geomorphic and I spend hours trying to decipher their origins, but they have not made such an impression on our predecessors as they remain unnamed.

The granite that forms Devil's Gate formed in the Mesozoic Era, which means it is at least 65 million years old. We humans can remove some trees, or alter a water course, and those features will bounce back in some form or shape. Blasting, or carving, or shaping and dying a rock formation is a forever action.

I am a supporter of safer roadways and this shoulder expansion, but NOT of butchering Devil's Gate.

(BTW, what is the status of the deer tunnel(s) proposed below 395? The tunnels have been stored at the Caltrans station for years, gathering dust.)

Christine Mead

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Karamitros, Steven@DOT

From: Calloway, Angie K@DOT
Sent: Tuesday, February 14, 2017 1:06 PM
To: Karamitros, Steven@DOT
Subject: FW: Aspen Fales Shoulder Widening Project Public Comment

From: George Mead [mailto:jorge_mead@hotmail.com]
Sent: Tuesday, February 14, 2017 1:00 PM
To: Calloway, Angie K@DOT <angie.calloway@dot.ca.gov>; Mcelwain, Brian J@DOT <brian.mcelwain@dot.ca.gov>
Subject: Aspen Fales Shoulder Widening Project Public Comment

I wish to voice my strong opposition to Alternatives 1 A, B, and C for the Aspen Fales Shoulder Widening Project in the DEIR/EA. I am a property owner in Sonora Junction and chose to purchase property in this area for its scenic beauty. The idea of destroying Devil's Gate by various degrees of rock blasting and removal is beyond comprehension. I don't want to see a new road sign at the summit that reads "Devil's Crater" or "Devil's Ampitheater."

Regards,

George Mead

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Response to George and Christine Mead

Concerns for local geologic and scenic resources are acknowledged and included in the project record. Alternative 2B is the preferred alternative, which avoids cutting the rock outcropping.